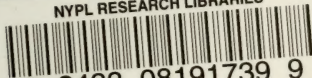


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George Bancroft

Martin

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HISTORY OF NORTH CAROLINA.

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THE

*Cambridge
Mass*

HISTORY

Geo Bancroft's.
OF

NORTH CAROLINA,

FROM THE EARLIEST PERIOD.



BY FRANCOIS-XAVIER MARTIN.



*Coloniæ autem jura, institutaque populi Romani, non sui
arbitrii habebant.*

GEL. lib. 16, cap. 23.

VOLUME I.



NEW-ORLEANS:

PRINTED BY A. T. PENNIMAN & CO.

Corner of Chartres and Bienville Streets.

1829

Checked

May 1913

Eastern District of Louisiana, ss.

BE IT REMEMBERED, That on the twentieth day of July, in the year of our Lord one thousand eight hundred and twenty-nine, and of the independence of the United States the fifty-third, FRANÇOIS-XAVIER MARTIN, of the said district, hath deposited in the Clerk's office for the District Court of the United States for the Eastern District of Louisiana, the title of a book, the right whereof he claims as author, to wit:

"The History of North Carolina, from the earliest period. By François-Xavier Martin.

Coloniæ autem jura, institutaque populi Romani, non sui arbitrii, habebant.

GEL. lib. 16, cap. 23.

In conformity to an act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the times therein mentioned;" and also, to the act entitled "An act supplementary to an act, entitled 'an act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned,' and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

FRANKLIN W. LEA,

*Clerk of the United Court for the Eastern District
of Louisiana.*



ROY W. B.
CLERK
FRA. B.

PREFACE.

AN historical inquiry into the discovery, settlement and improvement of the country, now covered by the important member of the North American confederacy, on the shores of which the English made their first attempt towards colonization, is certainly an object of general curiosity; and the work has been undertaken, in the hope, that, if it be not too negligently performed, the youth of North Carolina may not find it void of interest and utility.

If it be true, that history is the best mean of teaching and exercising the minds of those who destine themselves to public life, this advantage will, more certainly and eminently be found in the annals of the country, which is to be the theatre of one's actions: especially, if these annals present the rare and interesting spectacle of a handful of adventurers, attempting, with incredible toil and danger,

a settlement in a new world, and after repeated disasters, successively falling victims to their enterprising spirit, and the cruelty and treachery of the aborigenes: next, that of a new set, continuing the like efforts, undismayed by a beginning so disastrous, enduring for years the combined calamities of famine, disease and war, succeeding at last, in laying the foundation of a colony, which suffered a long time, under the errors of a theoretical system of government, ill calculated for its moral and local condition, struggled afterwards under the oppression of an unnatural parent country, and finally, shaking off the yoke of dependence, through alternate vicissitudes of misfortune and success, became a powerful state.

Imperfect as the present publication is, it began to engage the attention of the writer as early as the year 1791: at that period, the legislature of North Carolina afforded him some aid, in the publication of a collection of the statutes of the parliament of England, then in force and use within that state. In preparing that work, he examined all the

statutes from Magna Charta to the Declaration of Independence, and an arrangement of all those which related to America, afforded him a complete view of the colonial system of England. In 1803 he was employed by the same legislature to publish a revision of the acts of the general assembly, passed during the proprietary, royal and state governments, and the local information he acquired in carrying into effect the intentions of those who employed him, suggested the idea of collecting materials for a history of the state; and when afterwards he had the honor of representing the town of Newbern, in the house of commons, he was favored with a resolution of the general assembly, authorizing the secretary of state to allow him access to the records of his office. In the speeches of the governors, at the opening of the sessions of the legislature, he found a reference to the principal transactions during the recess, and there were few important events, particularly relating to the state, which left no trace on the journals of the legislature, or the proceedings of the executive.

During several journeys, which he afterwards made to several parts of the country, he received considerable information from individuals. Mr. George Pollock of Newbern, confided to him an official letter book, and several documents left by one of his ancestors, who came to the county of Albemarle, in the latter part of the seventeenth century, and who, in the beginning of the following, exercised the functions of chief magistrate over the northern part of Carolina. The late governor Johnson, a nephew of Gabriel Johnson, who presided over the affairs of the province from the year 1734 to 1754; governor Smith, who was in possession of the papers of president Rowan, and governor Ashe, whose ancestors were among the earliest settlers of the country, afforded considerable materials. The gentlemen in possession of the records of the Quaker meetings, in Perquimans and Pasquotank counties, and the head of the *Unitas Fratrum*, or Moravian Brethren, cheerfully yielded their assistance,

A citizen of North Carolina, being a citizen of the United States, has a right to expect, in a history of his own state, some notice, not only of the settlement of, but also of the most prominent events that took place in, the sister states; and, as the affairs of the mother country have necessarily a considerable influence on those of her colonies, the principal wars, in which England was engaged, must necessarily be noticed in the history of any of her American provinces. Under these impressions, the necessary information, in this respect, was sought in the most approved publications.

The writer imagined, he had collected sufficient materials to justify the hope of producing a history of North Carolina, worth the attention of his fellow citizens, and he had arranged all those that related to transactions, anterior to the declaration of independence, when, in 1809, Mr. Madison thought his services were wanted, first in the Mississippi territory and afterwards in that of Orleans; and when the latter terri-

tory became a state, the new government thought proper to retain him.

He had entertained the hope, that the time would arrive, when disengaged from public duties, he might resume the work he had commenced in Carolina; but years have rolled away, without bringing on this period; and a shock his health lately received during the year of his great climacteric, has warned him, that the moment is arrived when his intended work must engage his immediate attention, or be absolutely abandoned.

A circumstance, for some time, recommended the latter alternative. The public prints stated, that a gentleman of known industry and great talents, who has filled a very high office in North Carolina, was engaged in a similar work; but several years have elapsed since, and nothing favors the belief, that the hopes which he had excited, will soon be realized.

This gentleman had made application for the materials now published, and they would have been forwarded to him, if they had

been in a condition of being useful to any but him who had collected them. In their circuitous way from Newbern to New-York and New-Orleans, the sea water found its way to them: since their arrival, the mice, worms, and the variety of insects of a humid and warm climate, have made great ravages among them. The ink of several very ancient documents has grown so pale, as to render them nearly illegible, and notes hastily taken on a journey, are in so cramped a hand, that they are not to be deciphered by any person but him who made them.

The determination has been taken to put the work immediately to press, in the condition it was when it reached New-Orleans: this has prevented any use being made of Williamson's History of North Carolina, a copy of which did not reach the writer's hands till after his arrival in Louisiana.

The expectation is cherished, that the people of North Carolina will receive, with indulgence, a work, ushered to light under circumstances so untoward.

Very ample notes and materials are ready for a volume, relating to the events of the revolutionary war, and another, detailing subsequent transactions, till the writer's departure from Newbern, in 1809. If God yield him life and health, and his fellow citizens in North Carolina appear desirous these should follow the two volumes, now presented to them, it is not improbable they will appear.

Gentilly, near New-Orleans, }
July 20, 1829. }

THE
HISTORY
OF
NORTH CAROLINA.

CHAPTER I.

THE country, the history of which is now attempted to be traced, was first known to the Europeans, in the year 1512, twenty years after the landing of Christopher Columbus in the new world, as an undefined part of the vast section of the northern continent of America, which was then discovered by Juan Ponce de Leon, a subject of the crown of Spain. He gave it the name of Florida, either from its flowery appearance, or from the circumstance of his first discovering it on Palm Sunday. He landed on the most southern part of the continent, near a small river, which falls into the gulf of Mexico, a few leagues to the south of the present town of Pensacola.

Sebastian Cabot, however, had fifteen years before sailed along the eastern coast of that continent, from that latitude to the 56th degree, under a commission from Henry VII. of England, without any attempt towards a settlement.

On the return of Juan Ponce de Leon to Spain, his sovereign bestowed on him a grant of Florida. He soon after made a second voyage; but on his landing, the Indians fell on his men and massacred

the greater part of them. In the conflict, the chief received a wound, which put an end to his existence, shortly after his arrival in Spain.

The French made three fruitless attempts to establish a colony on the continent of North America, in the year 1535. In the year 1506, nearly thirty years before, Jean Denys, one of their navigators, sailed from Rouen, visited and drew a chart of the gulf of St. Lawrence; and Thomas Aubert of Dieppe, in the year 1508, had sailed up the river of that name, and it is said, that as early as the year 1504, fishermen from Normandy and Brittany visited its shores.

Lucas Vasquez de Aillon, in 1520, equipped two vessels in Hispaniola, for Florida, with the view of seizing on a number of Indians, reducing them to slavery, and employing them in working in the mines. He passed through the Lucaye islands, and discovered the continent in the thirty-second degree of northern latitude, and anchored between two capes, then called Chicora and Guadalpe, on the river afterwards called Jordan river. The Indians fled, on the landing of the Spaniards, who overtook two of them and carried them on board; and after giving them meat and drink, they suffered them to return to their friends. This courteous demeanor, induced the Indians to come on board in great numbers, bringing a large quantity of fowls and vegetables. The Spaniards landed again, and proceeded a considerable distance in the interior of the country, where they were received with great hospitality and friendship.

On their return, they invited a number of Indians to an entertainment on board; and weighing anchors in the

midst of it, brought away their unsuspecting hosts. One of the vessels was lost at sea; the other reached Hispaniola, but most of the Indians on board, perished, victims to their sadness, or an obstinate abstinence.

Other vessels went from Hispaniola to Florida, and brought away a number of Indians, who were reduced to slavery, and employed in working the mines.

Vasquez having obtained the king's privilege, sent several vessels to Florida, in 1524; and his ambition being excited by the information which he received, that the land was extremely fertile and contained mines of gold, sailed with those vessels in 1525, and proceeded to the river Jordan, where he lost one of his vessels on the cape of St. Helena, and two hundred of his men were, on his landing, massacred by the Indians.

In 1523 and the two following years, the same coast was explored with a considerable degree of accuracy, by Giovano Veranzany, employed by Francis I. of France.

Pamphilo de Narvaez obtained, in 1526, from Charles I. of Spain, the office of governor of all the lands which he might discover, from Rio de Palmas, to the confines of Florida. He sailed in the latter part of the year 1528, from the port of Yagua, on the southern coast of the island of Cuba; and having passed round the island, they left its northern coast, at the distance of twelve leagues above the Havana; and taking advantage of a strong southern wind, they reached the coast of Florida, in the gulf of Mexico, on the 12th of April. He landed on the next day, and procured fish and venison from the natives. It is said, one of their huts was so capacious as to be capable of sheltering three hundred men. He discovered in the possession of

the Indians, a cymbal of gold, which induced Narvaez to believe that this metal was in abundance in the neighborhood. He landed ten men and forty horses, and took possession of the land with the accustomed ceremonies. The Indians, though they could not make themselves understood by the Spaniards, manifested by their countenances and demeanor, the reluctance with which they received them. The Spaniards, proceeding farther, came to a tribe of Indians who received them better, and supplied them with corn; and saw here some boxes containing the skeletons of dead men, covered with skins. Narvaez sojourned several days near these Indians, and made frequent excursions into the country, during which he had several skirmishes with them. At last, destitute of provisions, and finding nothing but a sterile country and impassable roads, he re-embarked; but the greatest part of his men perished, through fatigue, hunger and disease. Those who escaped these complicated disasters, reached Rio de Palmas. Narvaez was not among them: his ship foundered in a storm, and he was never heard of.

A little more than ten years after, Ferdinand de Soto was sent by the crown of Spain as governor of Florida. More fortunate or more prudent, at first, than those who had preceded him, he effected the landing of the colonists who accompanied him, without the loss of any of them: they were as numerous as those whom Narvaez had brought from Spain. For a while, this was the first successful establishment of a colony of Europeans on the continent of North America. It supported itself during five years against the natives who at last vanquished and destroyed it. The Spaniards during that

period made no effort to obtain their subsistence by agriculture: they employed their time in excursions into the country, in a fruitless search after the precious ores.

Jacques Cartier is said to be the navigator, who in the year 1534, gave the name of St. Lawrence to the gulf and river, from the circumstance of his entering them on the day of the festival of that Saint. In the following year, he wintered in the country, now called Canada, to which he gave the name of New France. He went as high up as a place then called Hochelaga, now Montreal. He returned in the year 1540, and began a settlement at a short distance from the spot on which the city of Quebec was afterwards built. Two years after, Mons. de Robertval, with two ships and two hundred men proceeded up the river St. Lawrence, twelve miles above the island now called the island of Orleans, built a fort, and wintered there.

In 1544, Carthagera was invaded by a company of French adventurers. This is the first act of hostility between European nations, in the new world.

Although the British nation had yet made no effort to form any establishment in America, their ships had for several years been engaged in the fishery at Newfoundland. In the year 1548, the first British statute relating to America was passed; the object of it was to repress the extortions of the officers of the admiralty, who demanded a duty or part of the profits on every voyage made to Ireland, Iceland and Newfoundland.

In 1549, Charles V. of Spain, sent Lewis de Beluastro, a Dominican friar, to Florida, with orders to

reduce the natives to the Christian faith and Spanish obedience; and he and two of his followers were slain, and eaten by the savages.

The country remained unnoticed by the Europeans until the year 1562, when Jasper de Coligny, admiral of France, procured two vessels to be fitted out, under the orders of Jean Ribaud, for the ostensible purpose of discoveries on the eastern coast of the continent of North America, but perhaps with a view of securing an asylum for the protestants of France, if a continuation of ill success should destroy their cause in that kingdom. The adventurers made the land in the highest degree of northern latitude, near a cape to which they gave the name of *Cape François*; it is one of the promontories of the estuary on which the town of St. Augustine now lies, and they landed on the banks of the river St. Mary, which now separates Florida from Georgia. After spending some time in reconnoitering the country, and carrying on some little trade with the natives, finding themselves in no condition to effect a settlement, they returned home, bringing to their countrymen the best account of the climate, the country and its inhabitants, which their short stay could enable them to procure.

The admiral, charmed with the report, determined on forming a settlement, that might afford him and his companions a retreat, which the circumstances of the times rendered daily more necessary. Unforeseen difficulties delayed the small fleet which he procured for this purpose till the year 1564. Five or six ships then carried as many hundred persons to begin a colony, under the orders of

Rene Laudoniere. They disembarked at the place of landing of the first expedition. They immediately commenced the building of a fort, which was called *Arx Carolina*, or *Fort Charles*, and the country *Caroline*, in honor of Charles IX. who then filled the throne of France. The colony was hardly settled, when the Spaniards, who then asserted an exclusive right to the whole continent, sent a considerable force under Admiral Don Pedro Menendez to attack it. The French, too small in number to offer any resistance, sought their safety in submission; but the cruel enemy, deeming that no faith needed to be preserved with the Huguenots, disregarded the promise, under which the weaker party had been induced to yield, and treacherously put them to the sword. A few, however, escaped to the woods: they were pursued and hung to the trees, with this deriding inscription, *not as Frenchmen, but as Heretics*.

Far from endeavoring to avenge this outrage, the ministers of Charles VII. rejoiced at the miscarriage of a project, which indeed they had sanctioned, but which they did not relish because it had originated with the chief of the Huguenots, and the success of it might have given strength to their cause. The fanaticism of the times confirmed their resolution to manifest no resentment; an individual was to do what the nation ought to have done.

Dominique de Gourgues, a Gascon, an able and bold navigator, the known enemy of the Spaniards, on whom he had personal injuries to avenge, ardently attached to his country, fond of hazardous undertakings and of glory, sold his patrimony, built

a few vessels, and uniting to himself some choice companions, went in pursuit of the murderers of his countrymen in America, drove them from one fort to another; vanquished them every where, hung a number of them to the trees on the sea shore, and opposing derision to derision, inscribed over them, *not as Spaniards, but assassins.*

Here ended this expedition. De Gourgues, either from want of provisions, or the apprehensions that the friendship of the Indians would cease, with the means of purchasing it, or that the Spaniards might arrive in numbers sufficient to overcome him, destroyed all the forts which they had erected, and sailed back to France. He was received by his countrymen with all the admiration he deserved: not so by the court; despotic and superstitious, it had every thing to fear from virtue.

Neither the French nor the Spaniards made any further attempt to transplant a colony into Caroline; this was to be the work of the English. Their first attempt was made in 1584. On the 22d of July of that year, the English flag was displayed before the shores of Carolina by Arthur Barlow and Philip Amidas. They were the commanders of two small vessels built by Sir Walter Raleigh, who had obtained from queen Elizabeth a patent, authorising him, his heirs or assigns, to take possession of such remote, heathen and barbarous lands, as were not occupied by any Christian prince. Amidas and Barlow had sailed from the Thames, and taking their route by the Canary and West India islands, had approached the continent towards the gulf of Mexico, after a passage of fifty-seven days.

A fragrant odour wafted to the adventurers, the glad tidings of the vicinity of the land, some time before they could descry it. The coast at first offered no convenient harbor, and they sailed by it for upwards of one hundred miles, without discovering any. They entered however with difficulty and caution, the first inlet which they saw, and having returned thanks to God, went ashore to take possession of the land in the name of their sovereign.

At first, they judged themselves on the continent, but taking advantage of an eminence, they discovered that the sea surrounded them. The island appeared to be seventy miles in length, and six in breadth: it lay between cape Fear and cape Hatteras, and was very low, and is concluded to be that of Ocracock, or some other near it along the coast, now in the county of Carteret. Stately cedars, pines, cypress, sassafras, and other trees of a fragrant smell, covered it; on them numerous and large clusters of grape hung in natural festoons; and the land abounded in deer, raccoons, and wild fowls. They were nearly three days on this island, without seeing any of the natives; on the third, three Indians came in a canoe from the main land; they fearlessly approached the strangers, and one of them went on board one of the vessels; he chattered much, ate, drank, and gladly accepted a shirt and a hat, which were presented him; after viewing attentively every thing on board, he went away; and in a short time returned with his canoe loaded with fish.

On the next day, a great number of Indians came in large canoes: among them was the king's brother; the English learnt from him that his name was

Granganameo, that of the king Wingina, and that the country was called Wingadocea, and the island Woccon. The natives were generally tall and well shaped, very respectful to the chief, and courteous to each other. The king lay at the principal town, ill from the wounds he had lately received in battle. Granganameo sat down on a mat, which was spread for him, and received the English, without manifesting the least fear, as they approached him with their arms; he invited them by signs to sit down, and stroaked his own head and breast and then theirs, as a mark of courtesy. Four of the natives sat down also: the others stood up around. The English made presents to Granganameo, and the four Indians who were sitting; but he took the whole to himself. The parties having spent some time in traffic, separated.

Two days after, Granganameo paid the English another visit, came on board, and ate and drank merrily. He had brought a quantity of dressed deer skins, which he bartered for a copper kettle and a pewter plate. The latter pleased him so much that, boring it in the rim, he hung it to his neck as a breastplate. He afterwards brought his wife and children to see the vessels: she was of a short stature, but remarkably well made; her behaviour was modest. She had on a long loose coat, with a short apron of leather; a band of white coral encircled her temples, and strings of large pearl, hung from her ears down to her waist. The children were fancifully decked with red copper and feathers. The women who attended her, had pendants of red copper in their ears.

The Indians came daily from the surrounding shores, with leather, coral, several kinds of dye stuffs, bucks,

rabbits, hares, fish, melons, cucumbers, and various roots.

An acquaintance having been thus contracted, by mutual beneficence and kindness, Amidas ventured, with a party of seven men, up the sound, now called Pamplico, then Occam. He reached, on the following day, an island, then, and still called Roanoke, now in the county of Currituck; and went up to a small village, consisting of nine houses, one of which, was that of Granganameo. It was large, divided into several apartments, built of cedar, and fortified around with sharp pieces of timber. The village itself, was surrounded by a high pallisade, which had a gateway, guarded by a sort of turnstile. The chief was from home, but the visitors were received and entertained by his wife, with courteous hospitality. She despatched some of her people to draw up the boat of her guests, and bring the oars to the house: she washed their feet in warm water, and conducted them into an inner room, laid before them boiled venison, roasted fish, and hominy; melons, baked roots, and various fruits, were afterwards offered. In the evening, the English retired to their boat, and putting a little off the shore, lay at anchor. She seemed concerned at the distrust which this caution seemed to manifest. Her attention to their comfort was not, however, lessened. She had their supper brought to the shore, and made several Indians remain there as a guard, during the whole night.

The English were informed, that on the main land, on the shores of the great river Occam (Pamplico sound) stood a large town called Pomecock, (supposed to be near the mouth of Gibbs' creek, in the present county of Hyde) and at the distance of six days march, another,

called Skihoah. They were told also of a river called Cibo, which fell into Occam, in which were large quantities of muscles, bearing pearls.

Wingina's dominions extended westward, as far as Chowanock river, and southerly, to Secotan, a town equi-distant from Neuse, Tar river and Pamlico sound. There began the dominions of Piamancum, king of the Nussocks, whose chief town was called Pomonick. The Wingadocea and Nussock Indians had lately concluded a peace, which had terminated a very long and bloody war, occasioned by the treachery of the latter, who, having invited the inhabitants of the town of Secotan to a feast, had slain the men, and detained the women as prisoners.

Amidas returned to the shipping the next day. With a view to try the strength of the soil on the island before which they lay, they had committed to the ground a few peas; after ten days, they had risen to the height of fourteen inches.

The English being too small in number to attempt a settlement, and the present being only a voyage of discovery, a few days were spent in obtaining the best information respecting the neighbouring continent, and trafficking with the natives, who daily came on board to barter their rude productions, for the commodities of the English, especially for their iron and other useful metals: after which the vessels sailed for England, where they arrived on the 15th of September. Two of the natives, Manteo and Manchefe, voluntarily accompanied Amidas.

Queen Elizabeth was so much pleased with the splendid description, which the adventurers gave of the climate, the soil, and the productions of the country

they had visited, that, flattered with the idea of possessing a territory abounding with such advantages, she gave it the name of Virginia, as a memorial of its having been discovered under the auspices of a virgin queen.

Sir Walter, anxious to take possession of so valuable a property, fitted out, early in the following year, seven small ships laden with arms, ammunition, and provisions, with the view of carrying thither a sufficient number of colonists, to effect a permanent settlement. He gave the command of this small fleet to Sir Richard Grenville, his kinsman, whom he had interested in the enterprise; who left Plymouth on the tenth of April, taking the southern route. He spent some time cruising against the Spaniards in the West Indies, and did not arrive on the continent till the latter part of June; and landing on both the islands of Ocracock and Roanoke, visited the shores of the continent along Pamlico and Albemarle sound, and a great lake called Paquinip, now Mattamukee. Parties of his men went out northerly, as far as the bay of Chesapeake; westerly, to the Chowanocks, up Weapomcic river, (Albemarle sound) on the shores of which, were the towns of the Pasquenocks, Pasquotanks, and Chepawry, in that part of the country now known as the county of Perquimans, Muscamung, the westernmost town of Wingadocea; thence along Chowanock (Chowan) river; they went to the town of Mavaton, on the eastern bank of that river, near the spot on which Canon's ferry has been established, and higher up that of Opanock, on the opposite bank, a little below the confluence of Meherrin and Nottoway rivers. The Indians in this settlement were very numerous, and in time of need were able to send forth seven hundred warriors: the

English found about half way between Roanoke and Tar rivers, the town of Wanjoacks and that of the Pananarocks on the latter.

Sir Richard, next proceeded to cape Hatteras, where he was visited by Granganameo, who came to renew his acquaintance with the English; this was the last time they saw that chief, who died a few days after.

On the 25th of August, Sir Richard, sailed for England, leaving a colony of one hundred and eight persons, under the orders of Ralph Lane. The choice of this spot was not fortunate, the island being in a bleak sound, and destitute of a convenient harbour.

The chief, as well as the most beneficial object of the attention of the colonists, after providing the means of subsistence, ought to have been the attainment of an accurate knowledge of the country around them; to this they were not absolutely inattentive, neither were their labors altogether unsuccessful. Gold, however, was the principal inducement that tempted Europeans to visit America; and towards the discovery of mines were the thoughts of the adventurers incessantly bent. They had persuaded themselves that the country of which they were in possession, could not be destitute of precious metals, with which, America was imagined to abound.

With a view to realize the fond hopes which they entertained, the colonists reconnoitred the neighbouring continent. The Indians soon discovered the object which the English sought with so much avidity: and Menotoscon, king of the Chowanocks, amused governor Lane, with tales of rich mines in the western parts of the country, which they had not yet explored. He spoke of a copper mine, and a pearl fishery; and gave an

account of the river now called Roanoke, which, he described as rising from a rock so near the sea, that, during high winds, the surge beat over the spring. The governor sanguinely concluded this sea to be the gulf of Mexico, the Pacific Ocean, or some arm that opened into it. Their heads being filled with these chimerical ideas, the English formed various schemes, and undertook a fatiguing and hazardous journey up that river, at the instigation of Wingina, to visit the Moratuck Indians, the great nation called the Morjoacks, a number of other warlike tribes, and a great king, who dwelt at some days journey from the head of the river. So eager were they, and so resolutely bent on discovery, that they could not be induced to return, as long as they had a pint of corn a man, left, and two mastiff dogs, (which they boiled with sassafras leaves) that might afford them sustenance on their way back. However, after several days, having vainly undergone great hardship and danger, they at last returned, and joyfully reached their habitations on Roanoke island.

The death of Granganameo had caused a great alteration in the affairs of the colony. His credit with Wingina, his brother, and the interest of Ensenore, their father, had restrained the king's malice and perfidy within some bounds; but, on the death of Granganameo, he changed his name to that of Pennissassan, and became a secret, but a bitter enemy to the English. To his machinations, were chiefly owing the hardships they had undergone in their journey to the Chowanocks. He had given secret intelligence to those Indians, of the approach of governor Lane; and had sown seeds of discord, between the white and red people. But a rumor being spread, that governor Lane and his party were all

slain, or starved in their journey up Monattuck, he began to blaspheme the God of the English, and endeavoured, by all the devices in his power, to annoy and distress them.

Ensenore, his father, the best friend the English had, after the death of Granganameo, lost all his ability to serve and assist them. But their return with the son of Menatonon, (one of the greatest Indian kings) as a prisoner, joined to the testimony of Manteo, and the other Indians who had accompanied them, showing how little the English valued any people they met with, or regarded toils, hunger or death, restrained, for a while, his devices, and brought Ensenore again into credit and esteem.

The king of the Chowanocks, soon after, sent a present of pearl to governor Lane, and Okisko, king of the Weapomeaks, who possessed all the country between Chowan river and Albemarle sound, up to the bay of Chesapeake, came, attended with twenty of his chieftains, who, with their king, acknowledged their subjection to the king of the English. This circumstance, and the persuasions of Ensenore, induced Wingina to seek, at least in appearance, the friendship of the English. He came with his people, planted their fields, and made weirs for them, when they were near famishing. This good understanding was not, however, of long duration. The death of Ensenore put an end to it. For Wingina, under pretence of celebrating his father's funeral rites, laid a scheme of assembling sixteen or eighteen hundred Indians. With this force he intended to cut off all the English at once. But his design was discovered to governor Lane, by his prisoner Okisko, the son of a king of the Chowanocks. The

governor in his turn, endeavored to seize on all the canoes on Roanoke, with the view to secure the Indians on the island. They took the alarm, and a small skirmish ensued, in which five or six Indians were slain, and the rest effected their escape. A mutual distrust succeeded, until Wingina, being entrapped by the English, and killed, with eight of his men, the Indians were intimidated into a peaceable demeanor.

The colonists having been inattentive to the culture of the ground, and the provisions which they had brought from England, being nearly exhausted, they found themselves under the necessity of imitating the natives, and resorting for food to the precarious supplies afforded them by the water and woods. This resource proved insufficient; and governor Lane sent parties of his men in different directions, to procure subsistence. Some went to the main to support themselves on roots and oysters. Twenty men were sent, under the orders of captain Strafford, towards the Croatans, a nation of Indians then living on the southern shore of cape Lookout; and a Mr. Prideaux, went with twenty others, to cape Hatteras, to shift for themselves, and espy any sail passing by the coast, from which relief might be expected.

These two detachments had not been long out, when one of captain Strafford's men returned to the island, bringing information of the approach of a fleet of twenty-three sail; and on the following day, the captain himself came, and handed to governor Lane, a letter from Sir Francis Drake. The admiral was on his return from a successful expedition against the Spaniards, in South America, having taken Carthagena and the capital city of Hispaniola, burnt the forts of St. Augustine and St.

Helena, on the coast of Florida, and done much other injury to the enemy. He had been ordered to visit, on his return, the colony of Virginia, and to afford it protection and assistance. He agreed to supply governor Lane with one hundred men, a small vessel, and provisions for four months. But, before he could afford this relief, his scheme was defeated by a sudden and violent storm, which forced out to sea, among many other ships, that, on board of which were the men and provisions, destined for the colony.

Discouraged by this misfortune, and worn out with fatigue and famine, the colonists unanimously determined on abandoning the country in the summer; or as soon as the discoveries they could make, would justify their return.

For this purpose, a ship of one hundred and seventy tons, with sufficient provisions, was detached from the fleet; but, as she was of too great a burden to lie, with safety, in any of the harbors of the colony, and there was too great a danger in suffering her to ride in an open road, they prevailed on Sir Francis to take them on board of the fleet, which sailed for England on the 19th of June; and they landed in Portsmouth, in the latter part of the following month; the colonists having remained about one year in Virginia.

Such was the inauspicious result, of the first attempt to plant an English colony, on the continent of North America. The nation derived from it no other advantage, than some knowledge of the country and its inhabitants, and of the introduction into England of a nutritive root, the cultivation of which, has since been wonderfully extended, principally in Ireland; and which furnishes now, a welcome dish to the table of the wealthy.

and a cheap food on that of the poor: and that of a weed of singular strength and power, tobacco, the use of which, gradually extended itself to every class of society and the demand for which has become almost universal.

Harriot, a man of science and observation, who accompanied governor Lane, published, on his return, a short treatise, in which, he described with great accuracy, the climate, soil, and productions of the country.

According to his account, the natives were generally well proportioned, straight and tall, their eyes black, or of a dark hazle, the white part streaked with red; their complexion was tawney, their bodies being kept daubed with bear's grease, blackened with burnt coals, or reddened with the powder of a root, which they obtained from the Indians, who dwelt in the hilly part of the country.

They believed in one eternal Supreme God, the creator of the world, and in the immortality of the soul. They had an idea of a future state of rewards and punishments, and imagined that there were Gods of an inferior order, who had assisted the Supreme one, their creator, in the foundation of the world: and that mankind had sprung from a woman, who had conceived in the embraces of one of the Gods. They founded these doctrines, on the authority of two persons, who had risen from the dead. The influence of these tenets, however, on their priests and chiefs, was much weaker than on the common people. The former, like the great in civilised countries, freeing their consciences from the shackles of a creed, and their actions from the restraints of religion, and sometimes of morality.

They were not, however, so firm in these opinions, as to close up their minds against information. They

admired the watches, compasses, guns, burning glasses, and other instruments of the English, and thought they were the work of the Gods, or at least, that the Gods had taught the English how to construct them. Hence they listened with great attention, to conversation on religious subjects. Wingina himself joined the colonists in their prayers; and when he was sick, attributing his situation to some offence given to the God of the white people, he would beg them to pray for him, and intercede that he might dwell with him after death. Once, when a long drought had withered their corn, they considered their misfortune, as the punishment of their ill conduct towards the English; and they promised them a portion of their corn, if they would pray to their God to cause it to ripen.

The estimation in which they held the English, was considerably heightened, by a curious accident. An epidemical disease visited the country; the English were free from it; and it fell with greater violence on some Indian tribes, against whom they had causes of complaint. The Indians thought it was the work of the God of the whites, or that the English shot invisible bullets at their enemies; while others, noticing that they had no women of their own, and appeared not to care for any of theirs, imagined they were not immediately born of women, but were individuals of a past generation, risen to immortality; that there were more of them still, in the air, as yet invisible; and who, at the entreaty of the others, made Indians die by shooting invisible bullets at them.

The English, in their intercourse with the Indians, acquired a relish for their favorite employment of smoking tobacco. The plant grew spontaneous in the

country ; the natives called it Uppewock : they cured and dried the leaf, and ground it into powder, which they put into earthen tubes and drew the smoke through the mouth ; it was in so high an estimation among them, that they had a tradition, that the Gods themselves delighted in the use of it. They sometimes lighted fires, into which they threw powdered tobacco as a sacrifice ; and when they were caught in a tempest in crossing Occam, the wide sound of Pamplico, they imagined the angry deities could be appeased by throwing it into the air and on the water. They implored the blessing of good luck upon their new nets, by casting some of it upon them ; and when they had escaped some eminent danger, they threw some of this dust in the air, with antick gestures, stamping the ground in time, and cadence, clasping their hands, and throwing them up with discordant cries.

Divided into small, independent tribes, each under its particular chief, they were much addicted to plunder, and for that reason, frequently engaged in contention and strife. A regard to mutual defence, had produced alliances among them.

Deriving their principal subsistence from the chase and the water, they bestowed very little attention on agriculture ; they seemed to have no idea of any other than national property in land. They were accustomed frequently to change their abode, finding it convenient to wander from one place to the other, according as they were invited by the abundance of the game or fish : unrestrained in their migrations by the cares of husbandry, or the possession of any property in cattle or land.

They were much addicted to theft and rapine : and their notions of *meum* and *tuum*, were so limited, that a disregard of them could not be considered as a crime.

Inhabiting, for the most part, marshy, or low sandy land, they were frequently in great dearth of provisions; and instigated by want and hunger, the strong and the weak could seldom withstand the temptations of violence and fraud. When, in their frequent migrations, a number of them settled in any part of the country, which wide water and extended dismal swamps separated from the habitations and range of the rest of the tribe, inclination and regard to mutual defence induced them to live together, and avoid as much as possible, any intercourse with the bulk of the tribe, who felt disposed to treat straggling individuals as enemies; and when, in course of time, their multiplication rendered the colony too numerous, for the scanty supplies which the spot afforded, parties went to establish themselves at a distance, without dissolving the connexion, which had subsisted between them, and those they had last left behind.

The tribes were longer on the ground they occupied, as it afforded, by the vicinity of the water, or the abundance of the game, an easier subsistence to their members.

Accounts of the climate, represented it as unfavourable to health. During the summer months, the weather was extremely sultry, so as to render an exposure to the heat of the sun dangerous. Even the nights, were said to be seldom so cold as to afford refreshment. In the middle of the day, sudden

storms overclouded the sky, before clear and serene, and caused such quick alteration in the air as to chill the limbs, still moist with sweat, stopping perspiration, and often occasioning fatal discases. In the fall, notwithstanding the coolness of the air, while the sun was under the horizon, it became oppressively hot when he was at a short distance from his meridian height; and heavy dews and thick fogs, rendered this season fatal. During the winter, an excessive degree of cold was, at times, though rarely, severely felt; but alternate and sudden changes between freezing and hot weather, distressed the colonists. Every shift of wind, brought on a sensible alteration in the temperature of the atmosphere. The spring began early, but was considerably retarded in its progress, by the return of sharp and piercing winds, bringing back frost and snow, and the charms of that season were hardly noticed, when the extreme heat of the next was already felt.

The colonists had been surrounded by a number of Indian tribes, some of whom were hostile, and all of them warlike; and neither of whom saw, with much complacency, a part of their country, occupied by individuals widely differing from them in appearance, manners and language. But spirituous liquor, an article which few Indians can taste, without craving more, and more, until it subdues reason, and for which, most will part with any thing they have in the world, rendered them the slaves of their guests; and if there were any of them who withstood that temptation, knives, hatchets, hoes, and spades, were objects of inappreciable value in their eyes. Those who ministered, as well to the real, as the imaginary wants of the aborigines,

could not fail being considered as welcome guests, or desirable inhabitants. The nearer tribes were supplied with the means of rendering themselves terrible in arms, by the use of fire arms; and the friendship of the whites was courted, with a view to obtain this advantage, or prevent its being afforded to the enemy. By this means, allies were acquired among the neighbouring tribes, and securities against the attempts of distant ones.

On the return of governor Lane, with his colonists, to England, the British were without any establishment in America. There was not a single individual of that nation living under British laws, in the new hemisphere; the possessions of the Spaniards and Portuguese, in South America, were considerable. In North America, the crown of Spain had one or two forts on the coast of Florida. The French had a growing establishment in Canada. We have noticed their progress in those parts as far as the year 1535; in that year, Jacques Cartier, having carried off in his ship one the Indian chiefs; the circumstance so exasperated the natives, that, for a very great number of years, they absolutely refused to allow the French any trade in Canada. But towards the year 1581, a bark of thirty tons sailed up the river St. Lawrence, from France, and was permitted to trade. Soon after her return, a ship of eighty tons, was fitted out of the island of Jersey; and in the year of 1583, three large French ships were employed in the trade to Canada; one of one hundred and eighty tons, one of one hundred, and one of eighty.

The British, the French, the Spaniards, and the Portuguese, had many ships employed in the codfishery of New Foundland. As early as the year 1577, the

French had one hundred and fifty, the Spaniards one hundred, and the British and Portuguese fifty ships, fishing there. The English are said to have had the best ships, and to have there given the law to those of other nations ; and it is said, to account for the small number of their ships in that part of the world, that they employed many in the fishery at Iceland, where the French from Biscay, had twenty or thirty ships, to kill whales for train oil.

Purchas—Smith—Stith—Marshall.

CHAPTER II.

Sir Walter Raleigh, in the year 1586, had provided a ship of one hundred tons, to carry succour to governor Lane and his men; she, however, did not sail till the middle of April, and did not reach Virginia, till the latter part of June; a few days after the departure of the colonists in Sir Frances Drake's fleet. Her commander, after having spent some time in fruitless endeavors to discover them, returned to England with his lading.

A fortnight after, Sir Richard Grenville arrived with three other ships, and an ample supply of provisions, but was unable to obtain any account of the ship which had preceded him, or of the men, whom, in the preceding year, he had left on Roanoke; he sailed up and down the principal sounds and rivers, in useless quest of them; at last, unwilling to forego the right of possession, he returned to the island, where he landed fifteen (some writers say fifty) men, to whom he gave a supply of provisions, and returned to England.

In the following year, three ships were sent to Virginia, under the command of John White, who was appointed governor of the colony, and was accompanied by eleven persons, who were to be his counsellors and assistants. Their names were Roger Baily, Ananias Dare, Simeon Fernando, Christopher Cowper, Thomas Stephens, John Sampson, Thomas Smith,

Dyonisius Harvey, Roger Pratt, George Howe, Anthony Cage. Sir Walter gave them a charter, incorporating them under the style of "the governor and assistants, of the city of Raleigh, in Virginia;" and directed them to make their first settlement on the shores of the bay of Chesapeake, and to erect a fort there. This expedition took the old route, by the way of the West Indies, and narrowly escaped destruction, on the shores of cape Fear. The danger which they ran was imputed to the carelessness, and by some, to the design of a sailor, who had accompanied Amidas in his first voyage, and was now acting as a pilot; he was suspected of an intention of occasioning the miscarriage of the expedition; but the vigilance of captain Strafford, who commanded the vessel on board of which this man was, prevented any fatal consequence; and they all arrived safe at cape Hatteras, on the 22d of July.

The governor, with forty of his best men, went on board of the pinnace intending to pass up to Roanoke, in the hope of finding the men, whom Sir Richard Greenville had left there the year before; and after a conference with them, concerning the state of the country and the Indians, to return to the fleet, and proceed along the coast to the bay of Chesapeake, according to the orders of Sir Walter Raleigh; but no sooner had the pinnace left the ship, than Simon Fernando, the principal naval commander, who was named as one of the governor's assistants, although he was destined to return soon to England, called to the sailors on board the pinnace, and charged them not to bring back any of the colonists, except the governor, and two or three others whom he approved, but to leave them on the island; for the summer, he observed, was far spent, and he would

not land the planters in any other place. The sailors on board the pinnace, as well as those on board of the ship, having been persuaded by the master, to this measure, the governor judging it best not to contend with them, proceeded to Roanoke. At sun set, he landed with his men at the part of the island, on which Sir Richard Grenville landed his men, but discovered no sign of them, except the skeleton of a man who had been killed by the Indians. The next day, the governor and several of the new comers, went to the north end of the island, where governor Lane had built a fort and several dwelling houses, the year before, hoping there to find some sign, if not certain information of the men left there by Sir Richard Grenville. But on coming to the place, and finding the fort razed, and all the houses, though standing unhurt, overgrown with weeds and vines, and deer feeding within them: they returned in despair of ever seeing their looked-for countrymen alive. Orders were given on the same day, for the clearing and repair of the houses, and the erection of new cottages. All the colony, consisting of ninety-one men, seventeen women, and nine children, in all, one hundred and seventeen persons, soon after landed, and commenced a second plantation.

George Howe, one of the governor's assistants, having wandered to some distance into the woods, was attacked and slain, by a party of the Dassamonpeake, a tribe who dwelt on the main opposite to the island, in the neck formed by the river Alligator and the narrows, which now forms the lower part of the county of Tyrell.

As soon as the houses were cleared, and measures taken for sheltering the colonists, governor White sent

captain Strafford, with a party of twenty men, to the Croatans, a friendly tribe, who dwelt on the southern shore of cape Lookout, in that part of the country, now known as the county of Carteret, with the view of obtaining some information of the place to which the men, left by Sir Richard Grenville, had retreated. He learned that they had been surprised by a party of Indians, of the Secotan, Agnascoga, and Dassamonpeake tribes, who, having treacherously slain one of them, compelled the rest to repair to the house, in which they kept their provisions and weapons, which the Indians instantly set on fire; that the English leaving the house, skirmished with the assailants for above an hour; that in this skirmish, another of their number was shot in the mouth with an arrow, and died; that they retired, fighting to the water side, where lay their boats, with which they fled to cape Hatteras; that they landed on a little island, on the right hand of the entrance into the harbor of Hatteras, where they remained a while, and afterwards departed, whither they knew not. Unable to obtain a more satisfactory account of his countrymen, captain Strafford returned with his party, to the fleet at Hatteras.

The governor endeavored to renew and preserve, a good understanding, with the nations of Indians in the neighbourhood, but found it necessary to chastise the Dassamonpeake, who had murdered George Howe, and still continued troublesome. In the dead of night, he left the island of Roanoke, accompanied by captain Strafford and a chosen party of twenty men, guided by Manteo, who had ever remained a firm friend of the English. They reached the main by break of day, marched up to the town, and, discovering some Indians sitting around a fire, they discharged their pieces at

them: one was shot down, and the governor, judging the murder of George Howe sufficiently expiated, desired Manteo to inform the others, they had nothing more to apprehend. The English had scarcely grounded their arms, when they discovered they had fired on a party of their friends, the Croatans. These men having heard that the Dassamonpeake Indians, fearing the revenge which the English had come to execute, had fled and left their corn ripe and ungathered, had come to cut and carry it away. Both parties joined in securing as much of it as was fit to be taken down, and retired, leaving the rest unspoiled.

On the 13th of August, Manteo was baptised, according to the directions of Sir Walter Raleigh, and in reward for his services to the English, was called Lord of Roanoke, and of Dassamonpeake.

On the 18th, Eleanor, a daughter of governor White, who had accompanied him, and was married to Ananias Dare, one of his assistants, was delivered of a daughter, who was the first child born from English parents, in the new world; she was named Virginia.

The supply of provisions brought from England, being considerably reduced, and necessity requiring immediate attention to the renewal of it, the colonists besought governor White to return to England, and solicit some further relief. He yielded to their entreaties, and sailed for England on the 27th of August, having remained but thirty-six days in his government. At his departure, the colony consisted of one hundred persons, and one of the islands near cape Hatteras, had been selected for its principal settlement.

Governor White, on his arrival in England, found the nation in a great commotion, occasioned by a rumor

of an impending invasion by the Spaniards, who had fitted out an immense fleet for that purpose. A council of war had been formed by the queen, and charged with the direction of the warlike preparations which the emergency called for. It was composed of such persons as were in the highest reputation for military knowledge. Sir Walter Raleigh, Sir Richard Grenville, Ralph Lane, governor White's predecessor in Virginia, the persons whose exertions he had come to solicit, had been honored with seats at this board, and their time was taken up in the discharge of the duties, which their appointment imposed. However, in a little time, Sir Walter found leisure to fit out a small fleet for the relief of his colony; and it was to have sailed early in the following year, under the orders of Sir Richard Grenville; but the alarm, occasioned by the formidable armament made by the king of Spain, increasing, every ship was impressed, and Sir Richard was summoned to attend Sir Walter, in the county of Cornwall, and assist him in training the troops arrayed there. Governor White, in the mean while, exerted himself so much, that he obtained two barks, with which he sailed from Biddefort, on the 22d of April.

The crews of these vessels, who were more anxious to enrich themselves by plunder, than to hasten to the relief of their distressed countrymen, attacked every Spanish vessel they met; and one of the barks falling in with two large ships of that nation, was, after a bloody fight, overcome, boarded and rifled. In the most distressed condition, unable to continue her voyage, she returned to England. Three weeks after, the other came in, in the same plight, and the voyage was abandoned to the great distress, and finally, the utter ruin

of the colony, and the great regret of its patron and founder.

Sir Walter was much dispirited, by the disappointment of the fond hopes he had hitherto entertained, and the miscarriage of all his attempts to settle his colony, notwithstanding the rare sums he spent in the prosecution of his darling scheme. His attention being engaged in the warlike enterprises of the day, he determined on the transfer of his interest, in the discoveries made, under the patent he had obtained from his sovereign, to governor White, and some merchants and adventurers of the city of London.

Accordingly, by an indenture, which bears date, the 7th of March, 1589, he granted to Thomas Smith, John White, and others, full power to carry to Virginia, such of the queen's subjects as might be willing to go thither, and to plant and inhabit the country, with free trade, to them, their heirs, and assigns, to and from Virginia, or any part of America, to which he might claim an interest, title, or privilege. Sir Walter, in this instrument, takes the title of chief governor of Assamacomoe, alias Wangadacea, alias Virginia; and he finally closed his concerns in the colony, by a donation of one hundred pounds sterling, to be appropriated to the promotion of Christianity among its inhabitants.

The supplies which governor White had come to solicit, were much delayed by this transfer of property. The assignees suffered twelve months to elapse, before they procured any shipping to carry relief to the colonists. Three ships were at last equipped at Plymouth, and sailed under the orders of governor White, on the 20th of March, 1590; a thirst for plunder induced the crews of these ships, to lose again, a considerable time,

by taking the West Indies in their route; and it was not till the 3d of August, that the expedition fell in with some of the sandy islands, near Ocracock; from thence they proceeded to Hatteras, which they did not reach till the 15th. On their approach, they were much rejoiced at seeing a smoke rising from the spot on which governor White had left the colonists, three years before. A discharge of cannon was made to apprize them of the approach of succour, and captains Strafford and Cooke, were despatched with two boats; but, notwithstanding the most diligent search, they returned without having been able to obtain any intelligence of the persons they were in quest of. They made preparations the next morning to visit the island of Roanoke; but the wind being at north east, in passing a bar, one of the boats was upset, and the other half filled with water. Captain Spicer, with six of his men, were dashed to pieces on the shoals: the other four, deterred by the fate of their companions, not trusting to their legs on the surf, but swimming in deep water, were saved by captain Cook. The courage of the survivors was so much damped by this accident, that they gave up the pursuit and returned to the shipping.

A few days after, governor White prevailed on a party of nineteen men, to accompany him to cape Hatteras. The people he had left there in 1587, had manifested, before his departure, an intention to remove to the main, and they had promised him, that in case they did so, they would carve, on some conspicuous tree, door or post, the name of the place to which they might determine on removing, placing a cross over it, in case they found themselves in distress, at the time of their departure. In landing on the cape, he caused a trumpet

to be sounded, a signal which he caused to be repeated at intervals, and in different places. No answer was given. When the party approached the spot from which they had seen the smoke arise, on the day of their arrival, they found that the fire had proceeded from dry grass and some rotten trees. After a very tedious search, they came to a high post or tree, on which were carved the letters CRO, and at some distance, they read the word CROATAN, on another.* They gladly noticed the absence of the sign, intended to indicate a state of distress. The houses had been pulled down, and a large space enclosed by a high pallisade; within the pallisade, they found many bars of iron, two pigs of lead, four iron fowlers, iron sack shot, "and such like heavy things, thrown here and there, almost overgrown with grass and weeds." In the end of an old trench, they found five chests that had been carefully hidden, three of which, governor White recognized as his own, and adds, "about the place we found many of my things spoiled and my books torn from the covers, the frames of some of my pictures and maps rotten and spoiled with rain, and my armour almost eaten through with rust."

Every thing seeming to preclude the hope of making any further discovery, in remaining on the cape, the party determined on returning to the shipping. In doing so they were near perishing, a violent storm having arisen, which lasted the whole night. As soon as it subsided,

* The stump of a live oak, said to have been the tree, on which this word was cut, was shown, as late as the year 1778, by the people of Roanoke Island. It stood at the distance of about six yards from the shore of Shalon-bas-bay, on the land then owned by Daniel Baum. This bay is formed by Ballast-point and Baum's-point.

they weighed anchor for Croatan. In the attempt, one of the cables of the ship in which governor White was, broke and carried off another anchor; they let go the third, and the ship went so far adrift that she was near being stranded. Disheartened by so many untoward accidents, the stock of provisions on board the fleet being nearly exhausted, the governor, for the present, abandoned the thought of any further search after the colonists, and sat sail for the West Indies, with the intention of refitting the vessels, wintering and procuring a supply of provisions, in order to return in the spring.

Perhaps the hope of a better success, than in the first part of the voyage, in cruising against the Spaniards, induced this determination: if it did, the expectations it had created were disappointed. A few days after the departure of the vessels from cape Hatteras, the wind proved unfavorable, and continuing in the same direction for a long time, governor White directed his pilots to make the best of their way to the Western islands, which he reached on the 23d of September; and after a short stay they proceeded to England.

Sir Walter Raleigh's assignees, made no further attempt to discover or release the unfortunate colonists. They were never heard of. Lawson, who lived in North Carolina, during the first year of the eighteenth century, supposes "they were forced to cohabit with the natives for relief and conversation." He adds, that the Hatteras Indians, who then lived on Roanoke island, or much frequented it, boasted, that several of their ancestors were white people, and "could talk in a book;" the truth of which he thought confirmed, by several of them having grey eyes, a circumstance which does not

occur in any other tribe. The ruins of a fort were extant in his days, and other traces of them are still discernable. English coin, a brass gun, a powder horn, and a small quarter deck gun, made of iron staves, with hoops of the same metal, were shown to him as existing relics of the first adventurers.

Although the French had not yet any fixed colonies in America, they were not inattentive to their discoveries in Canada. In 1591, a fleet sailed from St. Malo, for the river St. Lawrence. The French resorted to the islands at the mouth of that stream, to fish for morses or sea cows; the teeth of these animals were then sold much dearer than ivory; they are a foot, and sometimes more, in length; their hides, when tanned, are as large and much thicker than a bull's. A single bark caught, this year, fifteen hundred of them.

War continuing between England and Spain, privateers of the former nation, frequently visited the West Indies in search of booty. In 1592, Christopher Newport conducted thither, three ships and a small bark, and took several prizes, on the coast of Hispaniola, in the bay of Honduras, and plundered and burnt several towns, and obtained considerable plunder.

In the following year, George Drake, an Englishman, made a voyage up the gulf of St. Lawrence, to the island of Nameo, and carried home intelligence of the profitable trade of the French in this part of America. Other English ships went at the same time, to cape Breton, to fish for morses and whales. This is the first mention we find, of whale fishery by the English. Although they found no whale in this instance, yet they discovered, on an island, eight hundred whale fins, at a place where a Biscayan ship had been lost three years

before, and this is the first account we find of whale fins and whale bone, as an article of trade to England.

Sylvester Wyat, of Bristol, soon after sailed up the bay of St. Lawrence, in a bark of thirty-five tons, as far as the rite of Assumption, for the barbs or fins of whales and train oil. Ten leagues up the bay of Plauutra, he found the fishermen of St. John de Huz, Sebibeno and Biscay, to be upwards of sixty sail, of which, eight ships only were from Spain. At Faullon, fourteen leagues to the westward of cape Brace, he found twenty sail of Englishmen; and having, in their harbor, satisfactorily made up his return cargo, he sailed for England.

Sir Walter Raleigh sent, this year, captain Whidden, an old and experienced officer, to Guiana, in South America, and receiving flattering accounts from that country, determined on visiting it in person. Fitting out a fleet at a great expense, he sailed from Plymouth on the 6th of February following: aiming at Trinidad, he spent a month in coasting the island. Learning, during this period, the state of St. Joseph, a small city lately built by the Spaniards, on that island; and knowing that the search for Guiana, could only be made in small crafts, and that his ships must be left several hundred miles behind, he deemed it unsafe to leave behind him a garrison of enemies, interested in the same enterprise, and in daily expectation of re-enforcement from Spain. Determined in this purpose, in the dusk of the evening, he boldly assailed the guards, and having put them to the sword, advanced with one hundred men, and by break of day took the city, which, at the entreaty of the Indians, he sat on fire. He took Antonio de Boneo, the Spanish governor, prisoner, and carried him on board of his ship. Sir Walter was provoked to this measure by

the treachery of Boneo, who, the year before, had captured eight of captain Whidden's men, after having given his word, that they might take wood and water safely. It appears that he and his followers, had treated the Indians with great cruelty, which accounts for the attachment, these oppressed natives manifested for Sir Walter, and the English people, whom they considered as their deliverers. Bancroft, so lately as 1766, says, "the Charibees, of Guiana, retain a tradition of an English chief, who, many years since, landed among them, and encouraged them to persevere in enmity to the Spaniards, promising to return and settle among them, and afford them assistance. It is said that they still preserve an English jack, which he left with them, that they might distinguish his countrymen." "This," adds Bancroft, "was undoubtedly Sir Walter Raleigh, who, in the year 1595, made a descent on the coast of Guiana, in search of the fabulous city of *Manoa del Dorado*."

Leaving his ships at Trinidad, Sir Walter proceeded, with one hundred men, in boats, four hundred miles up the Oronoque; but the river beginning, dangerously, to swell, he returned without effecting any discovery. Several petty kings of the country, however, resigned their sovereignties into his hands, for the use of queen Elizabeth. It was his intention to seek for the colonists governor White had left in Virginia; but violent storms compelled him to abandon his design.

On the 25th of August, Sir Francis Drake and Sir John Hawkins, sailed from England with six of the queen's ships, and twenty-one private ships and barks, on an expedition against the Spaniards, to the West Indies. On the way from Gaudeloupe to Porto Rico,

Sir John Hawkins died; and was succeeded in his command, by Sir Thomas Barkerville. The next day, Sir Francis made a desperate attack on the shipping in the harbor of Porto Rico: but, obtaining little advantage, he proceeded to the main, and took the towns of Rio de la Hache, Rancheria, St. Martha and Nombre de Dios. Sir Thomas Barkerville now marched, with seven hundred and fifty men, for the reduction of Panama; but the Spaniards having had notice of his design, had strongly fortified themselves, and he was obliged to abandon the enterprize.

Sir Francis Drake, proceeding to Nombre de Dios, died on his passage, between the island of Escudo and Porto Bello, on the 28th of January. His remains were, according to naval custom, sunk in the sea, very near the place where he first laid the foundation of his fame and fortune. The fleet anchored at Porto Bello, the same day; but the inhabitants fled at the approach of the English, carrying away their goods.

Sir Walter Raleigh, at his own expense, fitted out two vessels, under Lawrence Keymis, who made further discoveries in Guiana. In the following year, he sent thither Leonard Berne, in a pinnace. This man entered into a friendly correspondence with the natives, and returned to England.

Sir Anthony Shirley, commanding an English squadron, landed at Jamaica on the 29th of January, and marched six miles into the island, to the principal town. The inhabitants submitting to his mercy, he resided there about five weeks, and then sailed for Honduras, and took Puerto de Cavallos.

The earl of Cumberland having received a commission from the queen, to attack and destroy the territories

of her enemies, took the island of Porto Rico, and carried off eighty pieces of cannon, eighty ships, and much wealth; but the expedition was disastrous; for about six hundred men were lost by the bloody flux, sixty slain in battle, and about forty cast away on the return of the fleet.

Monsieur de Pointis appeared, with a squadron, before Carthagena, and forced it to capitulate; but his soldiers, in breach of the capitulation, pillaged the town.

Charles Leigh, a merchant of London, made, this year, a voyage to cape Breton and the island of Ramea. Having given umbrage to the French, in the latter place, by taking the powder and ammunition from a vessel, supposed to belong to Spain, but which proved to belong to the subjects of the French king, two hundred Frenchmen assembled, and planted three peices of ordnance on the shore, against the English, and discharged on them, one hundred small shot from the woods. There were also, in readiness to assail them, about three hundred Indians. On a parley, however, the contest subsided. In this voyage, Leigh obtained a considerable quantity of codfish and train oil, and had some traffic with the natives.

France, after fifty years of internal commotions, having recovered her tranquility, was enabled to renew her enterprizes for the colonization of Canada. Henry IV, gave to the Marquis de la Roche, a commission to conquer that country, and other countries in America, not possessed by any Christian prince. The marquis took with him, a Norman named Chetodel, as his pilot, and a number of convicts out of prison. He landed forty of these men on the isle of Sable, and proceeded to Acadia, made researches in that region, and returned to France.

without attempting to make any settlement, or having it in his power to carry back those miserable outcasts, whom he had set on shore. He was prevented, by various misfortunes, from returning to America, and died of vexation.

His patent was renewed in the following year, in favor of Monsieur de Chauvin, who now made a voyage up the river St. Lawrence, to Tadoussac, two hundred and seventy miles from the sea. He returned home with a load of furs, leaving some of his people, who were enabled, by the kindness of the natives, to encounter the severity of the climate. He made a second voyage, the next year, with the same good fortune; and sailed up the St. Lawrence, as high as the place on which the town of Trois Rivières has since been built.

This year, William Parker sailed from Plymouth, in England, with two ships, one pinnace, and two shallops, to Cumana; and having taken the pearl fishery in that island, with the governor of Canada, who was there with a company of soldiers, he received five hundred pounds, in pearl, for the ransom of the whole; proceeding to Porto Bello, he made himself master of it, remained on it one day, plundered, and left it, without injury to its buildings.

Although the disastrous effect of Raleigh's attempt, to effect a settlement in America, together with the war with Spain, checked the spirit of colonization, it was now revived: Bartholomew Gosnold sailed, in a small bark, from Falmouth, with thirty-two persons, for the northern ports of Virginia, with the design of beginning a plantation. One is surprised, at the smallness of the means, which were depended upon, for the establishment of the English colonies in America. Of the thirty-

two persons who embarked with Gosnold, eight were "mariners and sailors ; twelve purposed, after the discovery of a proper place for a plantation, to return with the ship to England ; the rest, in all twelve persons, were to remain there for population." Instead of making the usual circuit, by the Canaries and West Indies, he steered, as near as the wind would permit, due west, and was the first Englishman who came in a direct course, to this part of America. After a passage of seven weeks, he discovered land on the American coast ; and soon after, met a shallop, with sails and oars, having on board eight Indians. These people first hailed the English : after signs of a friendly disposition, and a long speech made by one of the Indians, they jumped on board : they were "all naked, having loose deer skins about their shoulders, and near their waiste, seal skins tied fast, like Irish dinmic trowsers." One of them, who seemed to be their chief, wore a waistcoat, breeches, cloth stockings, shoes, and a hat ; one or two others, had a few things of European fabric ; and these, "with a piece of chalk, described the coast thereabouts, and could name Placentia, of Newfoundland : they spoke divers Christian words." Their vessel was supposed to have belonged to some unfortunate fishermen, from Biscay, wrecked on the coast. Sailing along the coast, captain Gosnold discovered, on the next day, ahead, land, in the latitude of forty-two degrees, where he came to anchor ; and taking a great number of cod, he called it cape Cod. On the following day, he coasted the land southerly, and in attempting to double a point, he came suddenly into shoal water, and called the place Point Care ; Dr. Belknap supposes this to have been the point, now called Malesbarre, or Sandy

Point, the southern extremity of the county of Barnstable, in Massachusetts: he proceeded southerly, as far as an island, which, in honor of the queen, he called Elizabeth island, a name which it still retains: he found on it, a pond of fresh water, two miles in circumference, in the centre of which, is a small, rocky, isle, on which he began to erect a fort and store house. In the year 1797, Dr. Belknap visited this spot, and discovered the remains of the cellar of this house, the stones of which were, evidently, taken from the neighbouring beach, the rock of the isle being less moveable, and lying in ledges. While the men were occupied in this work, Gosnold went to the main land, to traffic with the natives, who dwelt on the banks of the river, on which the town of New Bedford now stands. In nineteen days, the fort and house were completed; but, discontents arising among those who were to remain in the country, the design of a settlement was abandoned, and the whole of the company returned to England.

Sir Walter, although he had no longer, any particular interest in the colony of Virginia, made a further effort for the discovery and relief, of the men left there by governor White. He purchased, and fitted out a bark, and despatched Samuel Mace, an able seaman, from Weymouth, who left that port in the month of March, fell on the American coast, in about the thirty-fourth degree of north latitude, and proceeded along it, but returned home without effecting the object of his mission. This was the fifth attempt of Sir Walter, to succour his colonists, since the year 1587. "At this last time, to avoid all excuse, he bought a bark, and hired all the company, for wages by the month; but they fell forty leagues to the southward of Hattaracke, in thirty-

four degrees, or thereabouts ; and having there spent a month, when they came along the coast to seek the people, they did it not, pretending, that the extremity of weather, and loss of some principal tackle, forced, them from the object of searching for the port of Hattaracke, to which they were sent.”

Notwithstanding the vast expense of men and treasure, wasted in the attempt to establish an English colony, on the shores of the northern continent of America, at the expiration of about twenty years, since the first voyage of Amidas and Barlow, to Ocracock, there was not, at the death of queen Elizabeth, the 24th of March, 1603, a single individual settled on the main ; and, although upwards of a century had elapsed, since the discovery of the new world by Columbus, no European nation, excepting the Spaniards, had succeeded in making any settlement on it ; and a few soldiers of that nation, maintained at two or three posts in Florida, appear to have been all the Europeans in North America. As before the attempts of the British, the whole northern continent, was known to the Europeans under the appellation of Florida, now all that part of it, from the spot, on which the first adventurers of that nation landed, northly, was called Virginia, as far at least, as the river St. Lawrence. The geographers of the day, represented that vast extent of country, as divided into three parts : Canada belonging to the French, Virginia to the English, and Florida to the Spaniards : within these insipient divisions, no settlement had as yet been made, so as to have entitled any part of it to a particular name.

It is surprising, to find with how much difficulty the colonists provided for their subsistence ; the woods

teemed with buffalo, deer, opossums, and squirrels; there were immense banks of oysters and cockles, and herrings visited the rivers yearly, in large shoals: the sea and rivers supplied fish in abundance; the trees of the forest yielded honey in quantity, as well as grapes, persimons, plumbs, and other fruit: wild turkeys and other game, were in plenty; and we have seen, that, whatever was committed to the ground yielded ample returns: the Indians drew from their gardens, large supplies of beans, peas, and pumpkins: in the spring, the ground was covered with strawberries: the briers afforded black and other berries: shrubs yielded chinca-pins: land turtles were easily procured.

The failure, of Sir Walter's efforts to plant a colony in Virginia, is to be attributed to the ordinary cause of the failure of most of men's attempts: the absence of the eye of the master, the great distance at which the operations he directed, were to be executed, and the small share of his attention, which other more important, immediate, or near objects of his ambition, or ease, allowed him to bestow on his colony. There cannot be any doubt, that, if one half of the treasure that was fruitlessly wasted, had been disbursed in these and subsequent operations, under the immediate direction of a man of ordinary prudence, a very different result would have been obtained.

The spot selected was not, it is true, the most eligible one; but the climate was extremely mild: the land, though generally barren, was sufficiently variegated with fertile spots.

CHAPTER III.

TOWARDS the middle of the month of April, 1603, a ship of fifty tons, called the *Speedwell*, was despatched from Milford Haven, for the further discovery of the northern part of Virginia, under the command of Martin Pring; a bark of twenty-six tons, called the *Discovery*, was also put under Pring's orders; he reached the American coast early in June, between the 43d and 44th degrees of northern latitude, among a number of islands, in the mouth of Penobscot bay, and proceeded southerly to a bay, which he called Whotson bay, in honor of the mayor of Bristol, who had patronised and was interested in the expedition; he there built a hut, which he surrounded with a palissade; here a part of his men kept guard, while the others were employed in collecting sassafras, with which he was directed to load his vessels. The natives visited the English, and demeaned themselves, and were treated, in a friendly manner; and after a stay of seven weeks, a cargo being obtained for the bark, she was despatched home. Soon afterwards, the Indians manifested hostile intentions. Pring hastened the loading of the ship, and sailed for England on the 9th of August.

In the mean while, another attempt had been made to search for and relieve the colonists left by governor White, near Cape Hatteras. Bartholomew Gilbert sailed for this purpose, in a bark of fifty tons, on the 10th of May;

he took the old route, by the West Indies, and descried the continent on the 23d of July, about the 40th degree of northern latitude. Adverse winds prevented him from proceeding to the Chesapeake, where he was directed to land. Having gone ashore with four men, the Indians fell upon and destroyed this small party. Dismayed at the event, the people on board weighed anchor immediately, and returned home.

Henry IV. of France, being ever intent on establishing a French colony, on the northern part of the continent, granted this year to Pierre de Gaet, Sieur du Montz, a lord of his bed chamber, a patent for all the land, between the 40th and 46th degrees of northern latitude, including not only what is now known to us as the provinces of Canada and New-Brunswick, the New-England states, and those of New-York, New-Jersey and Pennsylvania, constituting him his lieutenant-general in that region.

Samuel Champlain, of Bronage, in France, sailed up the St. Lawrence, and anchored at Tadoussac.

Although the Europeans had as yet no settlement on the northern continent of America, they employed 200 ships and 10,000 men, in the fisheries of Newfoundland.

In the following year, the Sieur Dumontz sailed for America, taking Champlain as his pilot, and attended by Mons. Potrincourt, with a number of adventurers. On their arrival, Dumontz made a grant to Potrincourt of a tract of land, which was called Port Royal, a name which it retained till the English, in the reign and in honor of queen Ann, substituted to it that of Annapolis. Dumontz, leaving the grantee in possession of his new acquisition with a few colonists, proceeded up a river

then called by the natives Scoodick, but afterwards St. Croix, which, in the treaty by which the independence of the United States was acknowledged by Great Britain, is named, as constituting a part of the boundary of the dominions of the contracting parties. On an island, in the middle of this river, Dumontz wintered and erected a fort, part of the foundations of which were discovered in 1798, by Professor Webber, who attended the American commissioners.

On the 18th of August, king James concluded a treaty of peace with Phillip II. of Spain. By this event, a number of his subjects, of birth and enterprise, to whom the war had afforded employment for their talents, finding their attention and hopes excited by the great success of the Spaniards in South America, turned their thoughts towards emulating their rivals, on the northern continent.

The discovery of gold mines, and of a north-west passage to the Indies, was the prominent object of the adventurers' ambition. The earl of Southampton, and the earl of Arundel, fitted out a ship, and gave the command of it to George Weymouth. He sailed from the Downs with twenty-eight persons, on the 31st of March, and forty-four days after made land in about 41 degrees 30 minutes north latitude. After coasting awhile, he entered and sailed about 60 miles up the river which is now called Penobscot, in the state of Maine. He set up crosses in several places, in token of his having taken possession of the country, had some traffic with the natives, and in the month of July returned to England, carrying with him five Indians, one a Sagamore, and three chiefs.

The year 1605 is remarkable for the first attempt to the establishment of the British empire in the West In-

dia islands. The crew of a ship, called the *Olive Blossom*, owned by Sir Oliver Leigh, bound from London to Surinam, landed on and took possession of the island of Barbadoes; they found it abandoned by the native Charaibs, and erected a cross, on which they inscribed *James, king of England, and of this island*.

The ill success of the attempts made by individuals of the English nation, during near a quarter of a century, which had elapsed since the expedition under the orders of Amidas and Barlow, having evinced that private means were insufficient for the accomplishment of the desired end, in the spring of the following year, an association was formed in London, composed of men of influence, talent and wealth, with a view, by their united stock and efforts, to overcome the difficulties, which had heretofore attended the establishment of an English colony in the new world.

Sir Richard Hackluyt, one of the dignitaries of Westminster, was among the foremost. Historians place the name of this gentleman, immediately after that of Sir Walter Raleigh, in the list of the promoters of this noble undertaking. Educated under the directions of a kinsman of great natural and commercial information, he had bestowed an early attention upon history and geography, and in his more mature years had translated into English, relations which had been published in Spain and Portugal, of the voyages and discoveries of the adventurers of those nations, and had published accounts of the expeditions of the navigators of his own. The support of the crown was sought and obtained, and king James favored the association with a charter.

This instrument bears date the 10th of April. It incorporates Sir Thomas Smith, Sir John Somers,

Richard Hackluyt, Edward M. Wingfield, of the city of London, and the individuals who may thereafter be joined to them, as the *first colony*, and authorizes them to begin their settlement or plantation, at any place on the coast of Virginia, in America, between the 34th and 41st degree of northern latitude, and a grant is made to them of all the country for the distance of fifty miles on the coast, on each side of the spot, on which they may make their first settlement, and one hundred miles back, making in the whole 10,000 square miles, or six millions four hundred thousand acres, together with all the islands over and against the coast, within the distance of one hundred miles.

Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, of the town of Plymouth, and such individuals, who may thereafter be joined to them, are by the same instrument incorporated as the *second company*. They are directed to make their first settlement on the same coast, within the 38th and 45th degrees of northern latitude, and the same extent of territory is allotted to them as to the first colony, of which the spot on which they may begin their first establishment is likewise to be the centre. But it is provided, that after either colony shall have begun its settlement, the other shall not begin its own, within a less distance than one hundred miles. All the king's subjects are forbidden to settle, on the back of the lands of the colonies, without the king's license.

The internal government of each colony is given to a council of thirteen persons, to be constituted by the king, and regulated by his instructions, under his sign manual, and a council of Virginia, the members of which are likewise to be chosen by the king, to regulate the several affairs of both colonies.

The colonies are to search for and obtain gold, silver and copper, not only within their respective limits, but also in the lands on the back of them, paying to the king one fifth of the gold and silver, and one fifteenth of the copper.

The councils are respectively authorized to establish and cause to be struck, a coin, to be current in the colonies.

Leave is granted to the patentees, to carry to Virginia such of the king's subjects, as may be willing to remove thither, (excepting only those whom he may specially forbid from emigrating,) and to take for this purpose a sufficiency of shipping and ammunition of war; and they are authorized to repel invasion or insult, by force.

A duty of two and a half per cent. on the commerce of the king's subjects, and five per cent. on that of foreigners, on sales and purchases, was granted to the colonies for the term of twenty years, after which it was to be collected for the king.

The exportation of the company's goods from any of the king's dominions, were to be free from duty.

All persons, born in Virginia, were to be British natural born subjects.

The king declares to all Christian kings, princes and states, that if any person within the colonies, or any by their license, shall rob or spoil, by sea or by land, or commit any act of insult or unlawful hostility, on the subjects of any king, prince or state, in amity with him, he will, on complaint, cause proclamation to be made within some convenient part of England, commanding proper satisfaction to be made, and on default will put the offender out of his liegeance and protection, and it shall be lawful for the party injured to pursue him with hostility.

Lastly, lands in Virginia are to be holden of the king, as of the manors of East Greenwich, in the county of Kent, in free and common socage ; not in capite.

The charter was accompanied with instructions and orders, under the king's sign manual, by which a board, to be styled the king's council for Virginia, was established, consisting of William Wade, lieutenant of the tower of London, Sir Thomas Smith, Sir Walter Cope, Sir George Moore, Sir Thomas Popham, Sir Ferdinando Gorges, Sir John Trevor, Sir Henry Montague, recorder of the city of London, Sir William Romney, knights, John Doderidge, solicitor-general, and Thomas Warr, esquire, John Eldred, of the city of London, Thomas James, of Bristol, and John Bragg, of the county of Devon, merchants. It being soon after found difficult to convene a board, the members residing at a considerable distance from each other, the king created twenty-six new members; sixteen of whom were presented to him by the first, and the rest by the second colony. The council was now divided into two boards, to each of which were committed the affairs of one of the colonies.

These councils were, at the pleasure of the king and his heirs, to give instructions to a council resident in each colony, the members of which they were for the first time to appoint ; the king reserving to himself the right of new modelling and increasing the number of the members of such councils.

The colonial councils were respectively to consist of thirteen members, at most. They were to choose among themselves a president ; this officer was not to be a minister of the gospel : his election was to be annual, and he, as well as the members, were removable at the pleasure of the board.

It was recommended to these councils, to provide for the celebration of divine worship among the colonists, and as soon and as much as possible among the Indians, according to the rites of the church of England.

They were charged to guard against attempts to decoy any of the whites from their allegiance, and to cause to be arrested and imprisoned, and in flagrant cases to be sent to England, any person endeavoring so to do.

Tumult, rebellion, conspiracy, mutiny, sedition, murder, were directed to be punished with death, without benefit of clergy. The president and council were constituted a court in each colony, having cognizance of these offences; the trial was to be by jury, but this tribunal was authorized to suspend the execution of its sentence until the king's pleasure was known; it had jurisdiction of lesser offences, for which corporeal or pecuniary punishment was denounced, and it was even authorized to award damages to the injured. Its proceedings were to be summary and oral, until sentence, which, with the nature of the offence, was to be reduced to writing, and subscribed by all the councillors present.

During the first five years after their landing, the colonists were to trade altogether in one, or at most three common stocks, in each colony. The fruit of their labors, and all the goods and commodities imported, were to be deposited in a common warehouse, and a treasurer or cape merchant, was to be appointed by the council, in each colony, and with the assistance of clerks, was to receive, preserve, and deliver out the joint property. In return for his labor, each colonist was to be supplied with necessaries, out of the colony's stores.

The adventurers of the first colony were to appoint one or more companies, each consisting of three persons

at the least, to reside in London, or at such other place as the council should appoint, during the first five years, to receive and take charge of all commodities to be shipped to or landed from the colony; and the adventurers of the second, were to make similar appointments at or in the neighborhood of Plymouth.

Every colonist was to take an oath of obedience, and that prescribed by the 4th of James.

The legislative power was vested in the colonial councils, but they were not restricted from denouncing any punishment affecting life or limb, and their acts were liable to be rescinded by the king, or his council for Virginia, in England.

It was recommended to the colonists to treat the Indians with kindness, and to endeavor to bring them to the knowledge of God, and obedience to the king.

Finally, the members of the king's council for Virginia, in England, were to take such oaths as the privy council should appoint, and the colonial council such as the king's council for Virginia should require.

The adventurers for the first colony, eager to realize the hopes, which the formation of so respectable an association had excited, soon fitted out two ships and a small bark, which they placed under the orders of Christopher Newport; his instructions bear date the 10th of December. A list of the persons who were to compose the first colonial council, was committed in a sealed cover to his care and that of Bartholomew Gosnold and John Radcliffe, with directions to open it within twenty-four hours after their landing in Virginia, and not before; and it was ordered, that immediately after its being opened, the councillors should be proclaimed, a president chosen, and government organised: Newport was

instructed to spend two months, in discovering and reconnoitering the rivers and harbors of the country, with such vessels and crews as the council should direct, and to return with such commodities as could in the meanwhile be procured, leaving the bark for the service of the colony.

The council in England being very intent on the discovery of a passage to the south sea, as the certain and infallible way to rich mines of gold, directed the colonists to enter and sail up every navigable stream, and if any of them happened to have two main branches, and the difference was not great, to follow that which led to the north-west, it being imagined that the Pacific ocean would probably be sooner reached in that direction. They particularly desired that notice should be taken, whether the rivers they examined sprang from the mountains or a lake, as, in the latter case, a passage to the opposite sea would be more easily attained, and out of the same lake, streams might be found, flowing in a contrary direction.

The flotilla took its departure from Blackwell on the 19th of December, sailing by the way of the Canary and the West India islands. Some time was spent in trading with seaports, and the continent was not reached till the 26th of April. The names of cape Henry and cape Charles were given to the promontories through which they entered the bay of Chesapeake, in honor of Henry, prince of Wales, and Charles, duke of York, his brother, who afterwards succeeded to the British crown. A party of twenty persons landed on cape Henry, where they were met by five Indians, who wounded two of them dangerously, and fled to the woods.

In the evening the packet, which contained the list of the councillors and the orders of the company, was

opened and read. It appeared that Edward M. Wingfield, Bartholomew Gosnold, John Smith, Christopher Newport, John Radcliffe, John Martin, and John Kendal, were appointed of the council: Wingfield was appointed president.

The colonial council, a few days after, fixed on a peninsula on the north side of a river, which the natives called Powhatan, and to which the name of James river was now given, in honor of the king, for the spot on which the habitations of the colonists were to be erected, and dignified it with the name of Jamestown, a name which it still retains; and although it never was, nor is likely ever to be remarkable for population, commerce or wealth, it will long boast of being the most ancient settlement of the whites in the United States.

The site was advantageous, and eminently so, when compared to the shoaly and dangerous coasts, on which chance had thrown the first French and English adventurers on the continent. A happy situation, as well as a valuable one; yet it was not sufficiently advantageous to insure the prosperity of the colony. Animosities had arisen among some of the principal colonists during their long voyage, and had not finished with it. The colonial council had begun its operations by an act of injustice, in excluding John Smith from a seat at their board. The colony suffered much from the loss of the advantages, which it had reason to expect from his influence and activity. Appeased, however, some time after, by the exhortations of Mr. Hunt, their chaplain, the council admitted the excluded member, who receiving his commission the next day, they all turned their undivided attention to the government of a colony "feeble in

numbers and enterprise, which was thus planted in discord, and grew up in misery.”

Newport and Smith were now sent with twenty men, to reconnoitre the stream, upon which the colonists had fixed their residence. On the sixth day, they reached an Indian town, called Powhatan, consisting of about twelve houses, pleasantly situated on a hill, a little below the spot on which the city of Richmond now stands ; it was the principal and hereditary seat of Powhatan, emperor of the country, who had given his name to the town and river.

The council had judged it best to forbear any thing like military parade, even to admit any other kind of fortification, than a few logs placed together in the shape of a half moon. The natives soon came to visit the new comers, and at first manifested none but friendly dispositions ; and the latter endeavored, by a kind and hospitable reception, to encourage an intercourse. But the Indians soon began to manifest a quite different temper ; a party of the English, as has been said, had gone up the river ; others were scattered in the woods, exploring the ground, or procuring clapboards, and other timber for loading the ships. The Indians came into town, and fell on the few whites who had been left there, and were quietly employed in building and gardening ; and killed a boy, wounded seventeen men, and retired into the thickets, frightened by a cross-bar shot, which shattered to pieces a huge tree, near which several of them stood. This event excited the caution of the council ; they caused the fortification to be surrounded by a pallisade, the ordnance to be mounted, and the men to be regularly trained and exercised.

On the return of the party sent up the river, John Smith marched against the Indians, and compelled them to sue for peace.

On the 16th of June, Newport and Nelson sailed for England with the two ships, leaving one hundred colonists in Jamestown. They did not bear well the scorching heat of summer; they sickened in the fall, and were reduced low; in consequence of the ill supply of provisions, they were put on a very scanty allowance, and the little food they had, was of a very inferior quality. Penury, excessive heat, the moisture of the air, in a country covered with woods, generated disease; one half of the colonists fell its victims before the end of September; the survivors, dispirited and famished, sought their subsistence in crabs and sturgeons.

Wingfield was considered as the author of the distresses of the colony, by his embezzlement and waste of its stores. The indignation of the colonists was raised to the highest pitch, by the discovery of a project for deserting them, and returning to England in the bark, which he was on the eve of effecting. He was deposed, with one of the council, who had engaged to accompany him.

John Radcliffe was chosen president, in his room. The new administrator was not remarkable, either for wisdom or activity, but he was unassuming, and confiding in the advice of John Smith, a man who, with an undoubted courage and indefatigable activity, possessed a strong judgment, permitted him to direct the affairs of the colony under him.

Smith immediately adopted the only plan that could save the whites. He surrounded the town with fortifications, rude indeed, but sufficient to resist the enemy against which they were raised. He next marched with a small party, and alternately resorting to promises and threats, to caresses and violence, induced or compelled

the neighboring tribes of Indians to yield him a supply of provisions. In one of his expeditions afterwards, he was attacked by a numerous party of savages and being compelled to retreat, fell up to the neck in a swamp, and was made a prisoner. He engaged for some time, the attention of his captors, with a compass dial, which he happened to have about him ; they wondered at the play of the fly and needle, which the glass hindered them from touching, without preventing them from seeing it ; he excited their surprise and veneration, by the wonderful accounts he gave them of its utility, so as to interest them in his favor. They however bound, and triumphantly led him to Powhatan, their chief, by whose orders he was about to be put to death, when Pocahonta, the chieftain's favorite daughter, rushed between him and his executioners, and by her entreaties and tears, prevailed on her father to spare the captive's life, and soon after to liberate him.

The store house at Jamestown, thatched with reeds, taking fire by accident, burned with such violence, that the fortifications, arms, apparel, bedding, and much private goods and provisions, were consumed.

Before the close of the year, Nelson and Newport returned from England, with one hundred colonists, and a considerable supply of provisions.

At the arrival of this timely succor, the colony was reduced to thirty-eight persons, sixty-two having died since the departure of these ships, in the month of June. The survivors, worn out by fatigue, disease, and famine, had long been making preparations to return home ; but Smith, alternately resorting to solicitations and command, had prevailed upon them to delay the execution of their design.

Plenty appeared again, and the planters industriously applied themselves to clear and sow the ground. Their attention was, however, diverted from their necessary pursuit, by the discovery of a yellowish sediment, in a stream, issuing from a bank of sand: it was fondly considered, as a sure indication of a rich mine of gold. The labors of husbandry were immediately suspended, and every thought and every effort employed, in searching for, and securing, this apparently valuable dust; and one of the ships was sent home, with a load of this ideal treasure. The fatal illusion was momentary; not so its effects: they were long and sensibly felt. The neglected fields yielded no crop, and penury was again attended by disease. The colonists were once more saved from destruction, by the indefatigable activity of Smith, who again, by persuasion, and when that failed, by violence, induced the Indians to spare part of their stores to the whites.

The succeeding winter was extremely cold, and the rigor of the season was the cause of additional mortality: the winter was likewise extremely cold in the more northern part of the continent. L'Escarbot, a Frenchman, who was in Canada about this time, remarks, that the winter of 1607, had been the hardest that had ever been seen; "many savages died through the rigor of the weather: in these our parts, many poor people, and travellers, have been killed, through the severe hardness of winter weather."

There were judged to be at this time, within sixty miles from Jamestown, about seven thousand Indians, nearly two thousand of whom, were able to bear arms; the most seen together, by the English, were from seven to eight hundred.

On the recent encouragement for settling north Virginia, Raleigh Gilbert, a nephew of Sir Walter Raleigh, with two ships and one hundred men, furnished with ordnance, ammunition and provisions, landed at the mouth of Sagadehoc, or Kennebeck river: he built a storehouse, and fortified it, and gave it the name of Fort St. George.

In the summer of the following year, John Smith, with a party of fourteen men, explored in an open barge, the bay of Chesapeake, from the ocean to the mouth of the Susquehannah, trading with some tribes of Indians, and fighting with some others; making, according to his own reckoning, an ascent of nearly three thousand miles. He found among the Susquehannah Indians, hatchets, and utensils of iron and brass, which they had obtained from the French, by the way of Canada. On his return to Jamestown he drew a map of the bay, and the rivers flowing into it, and annexed to it, a description of the country, and the nations inhabiting it. This map was made with such accuracy, that it is the original from which all subsequent maps, have been chiefly copied.

His superior ability and industry, induced the council and settlers to invest him with the presidency of the board, and government of the colony.

Newport returned soon after with seventy colonists, among whom, were some persons of distinction: eight Dutchmen and Poles were sent to teach the planters the making of tar, glass and potash: by this vessel, the president and council received instructions to explore the western country, in order to procure certain intelligence of the South Sea; and when Newport returned to England, he left two hundred persons in the colony.

The few men, left at Sagadahoc, having lost their stores by fire, the preceding winter, and in this "cold, mountainous, barren, rocky, desert country, meeting with nothing but extreme hardships, and hearing of the death of some of their principal supporters, returned to England. Their patrons, offended at their unexpected arrival, desisted, for several years, from any further attempt."

The French availing themselves of this circumstance, to extend their infant settlement; Dumontz, being encouraged by his sovereign, Henry IV. sent over three ships with families to commence a permanent settlement. Samuel Champlain, who undertook to conduct this colony, after examining the most eligible places for a settlement in Acadia, and on the river St. Lawrence, selected a spot at the confluence of this river, and that of St. Charles, at the distance of about three hundred and twenty miles from the sea: here he erected barracks, sowed wheat and rye, and on the third of July, laid the foundation of the city of Quebec, the capital of Canada.

This year, Henry Hudson, under a commission from king James, discovered Long island, that of Manhattan, on which the city of New York now stands, and the river to which he gave, and which still bears his name.

In the course of the following year, Samuel Argal arrived at Jamestown, in a ship loaded with provisions. The great influence which the king derived from the dependence on his will, in which the first charter kept the affairs of the company, had deterred many persons of capital, rank and influence, from taking any share in its concerns; and the patentees chose not to venture much farther than they had hitherto done. The monarch was

therefore, induced, in order to revive their drooping spirits, to grant them a new charter. This instrument bears date, the 16th of May, 1609. It incorporates six hundred and seventy individuals, and fifty-six corporations of the city of London, under the style, of "The treasurer and company, of the adventurers and planters of the city of London, for the first colony of Virginia." It grants to them all the territory in that part of America, called Virginia, from the point of land called cape, or point Comfort, two hundred miles to the northward, and two hundred miles to the southward, along the sea coast, from sea to sea, with all the islands along the coast, within one hundred miles. A council is established, to be composed of sixty-two noblemen, knights and gentlemen, resident in London, under the style of "The king's council for the company of adventurers and planters, of Virginia." Sir Thomas Smith was appointed treasurer, and the vacancies in the council, were to be filled up by the treasurer and council, out of the adventurers. The appointment of the governor and other officers, was vested in the council, who were authorized to legislate for the colonists, while resident in Virginia, or in their outward and homeward voyages: all the former laws were abrogated. The adventurers were liable to be disfranchised, by the major part of the assembly of the adventurers, and the treasurer and council were empowered to admit new members of the corporation.

The company were authorised to search for mines, not only within the boundaries of the grant, but in any part of the country not granted to other persons; and to ship to Virginia, any of the king's subjects, not especially excepted by him, and who might be willing to

remove thither, with all necessary supplies, free from duty.

A freedom from all subsidies and customs, in Virginia, for twenty-one years, was granted, and from taxes and impositions for ever, on importation and exportation of goods, by the treasurer and company, except five per cent.

The company was authorized to repel, by violence, every intruder, and to seize the vessels and goods of persons trading within their limits, without their license.

Children, born in Virginia, were declared natural born subjects of the king.

Jurisdiction, in criminal matters, was given to the governor and council, and they were empowered to enforce martial law, in case of rebellion.

Lastly, provision was made for the favorable interpretation of the charter, and the confirmation of such privileges in the former one, as were not abrogated in the present. Future adventurers were allowed to be entitled to the same privileges as the present patentees, and the oath of supremacy was required to be taken, by every person removing to Virginia.

Lord Delaware was chosen first governor of Virginia, under the new charter. In accepting his commission, he required some little time to arrange his private concerns; and, in the mean while, the council despatched Sir Thomas Gates as lieutenant general, and Sir George Somers as admiral. The fleet, with which they sailed, consisted of nine ships, on board of which, five hundred colonists took passage. It sailed in the latter part of May.

Sir Thomas and Sir George were the bearers of a commission, authorizing them, on their landing in Virginia, to cause lord Delaware to be proclaimed, to supersede the former council, and to take upon themselves the administration of the government of the colony, till the arrival of his lordship.

These two officers were on board of the same ship, which was separated from the fleet, in a violent storm, on the 25th of July, and cast ashore on the rocks of Bermudas; a small ketch perished at the same time. The fleet reached Jamestown a few weeks after; (about the middle of August.)

Without tidings from their commanders, and deprived of all the papers, which the council had sent with the new administration, it appeared impossible to change the order of things. The new colonists insisted, that the former form of government was abrogated; but, as they could produce no testimony of its abrogation, nor any warrant, authorizing the establishment of any new form, Smith refused to yield up the reins of government. The accession of a number of colonists, which should have added to the security of the colony, heightened the danger it was in. Anarchy and confusion prevailed; the authority of Smith, verging towards its end, was but little respected: to the new comers, Smith attributed the disastrous situation of the country: he describes them as "a lewd company, containing many unruly gallants, packed hither by their friends, to create ill destinies." He detached two hundred of them to the falls of James river, and to that part of the present state of Virginia, which is now called the county of Nansemond. In the latter settlement, the English, im-

prudently giving offence to the neighbouring Indians, the savages fell upon them, and massacred the greater number: and the survivors returned to Jamestown, to seek protection under the authority, which, a short time before, they had contemned.

A systematic design was now meditated upon, by Powhatan, against the colony; but his expectations were frustrated, by the discovery made by Pocahonta, his daughter, then but about twelve or thirteen years of age, who, in a dark and dreary night, came to Smith, in Jamestown, and informed him of her father's determination, to come and destroy the colonists, on the following day: this timely information enabled the whites to avert the impending blow.

In the latter part of the year, president Smith, returning from an excursion up the bay; the casual explosion of a keg of gun powder near him, while he was sleeping in his boat, so miserably mangled his body, that he was for several days, unable to move without assistance: he caused himself, at last, to be brought on board of one of the ships, and returned to England, in search of better professional assistance, than the colony could afford.

He left behind him, besides the ships, seven boats, commodities to trade, a crop of corn lately housed, provisions for ten weeks in the store, upwards of four hundred and ninety colonists, twenty four pieces of ordnance, three hundred muskets, with other arms, and a sufficient quantity of ammunition.

The Indians, their language and habitations, were well known. The colony was well supplied with nets for fishing, farming utensils, wearing apparel, and possessed five horses and a mare, five or six hundred hogs,

some goats, sheep and fowls, and were in every other respect in a comfortable and prosperous situation.

The Virginians were not long without feeling the absence of the chief, to whose judgment and activity the colony owed its prosperous state. In the disorder that ensued, several laid claim to the supreme command; the choice of the colonists, at last, fell upon George Percy, whose heart was virtuous, and whose connexions were respectable, but whose talents were not suited to the turbulence of the times; his constitution had ill borne the effects of a change of climate, and his health was so much impaired, that he stood in need of European medical assistance, as much as the person he was appointed to succeed.

The Indians soon became conscious of the advantage which they derived, from the absence of the man by whom they had, until now, been reduced, and kept in awe and subjection, and of the favorable opportunity of making a successful attack upon the whites; the wonted supplies were kept back, and casual aggressions announced soon after a state of war. Unable to attack the enemy, the whites confined themselves to Jamestown, and lost the opportunity of procuring food by hunting; their stock of provisions was consumed, and a dreadful famine ensued; in six months the colony was reduced to sixty-eight persons, of all ages and sexes, so feeble and emaciated, that they could not have survived their companions, without some speedy relief.

Sir Thomas Gates and Sir George Somers arrived at Jamestown from Bermudas on the twenty-third of May; none of the crew of the vessel, in which they had been shipwrecked, had perished, and they had been so fortu-

nate as to save all the provisions on board of it; during a stay of ten months on this uninhabited island, they had built two barks, in which they had made the voyage to Virginia.

One hundred and thirty persons came in these barks, and the provisions saved from the ship, having supported them at Bermudas, during their long stay there, and during their passage, could not long supply their wants, and those of the colonists, to whom they were now joined.

It appeared, that on putting the people on the most scanty allowance, the stock on hand would not last much longer than a fortnight. In this dilemma, it was determined to abandon the country, and proceed to Newfoundland, where present relief might be obtained, and sufficient shipping to carry the colonists to England, this being the season of the fishery; they sailed accordingly.

Thus, more than a quarter of a century after the first attempt of the English to establish a colony in America, six years after the laying the foundation of Jamestown, was the northern continent without a single individual, acknowledging obedience to the laws of England, notwithstanding the very great sacrifices of lives and wealth, in endeavoring to accomplish this desirable object.

The French settlement, in Canada, was thriving, and Lewis XIII. who this year succeeded Henry IV. on the throne of France, less inclined to war than his predecessor, had manifested the intention to foster the rising colony.

The Spaniards still kept a few soldiers, in some scattered forts on the coast of Florida.

The Dutch had lately visited the island of Manhattan, discovered by Hudson, in order to trade with the natives, and built some huts, in token of their possession of the country, to which they gave the name of New-Netherland.

Smith—Stith—Beverly—Keith—Marshall.

CHAPTER IV.

LITTLE did the colonists believe, when they abandoned Jamestown, and with it the hope of being among the founders of the English empire in America, that in a few days an auspicious event was to restore them to their forsaken dwellings, and enable them to resume the successful establishment of the first English colony. How near is often the hour of despair to that, which affords us the true pledge of the attainment of our most sanguine wishes. The colonists were yet in the river, when three ships were descried approaching its mouth; Lord Delaware was in one of them; one hundred and fifty new settlers accompanied him, and the flotilla was loaded with a plentiful supply of provisions, clothing, tools of husbandry, ammunition, &c. He prevailed on the Virginians to return, and on his landing proceeded to the church, where divine service was performed, after which he caused his commission to be read, when president Percy surrendered to him his authority with the patent and seal of the colony.

He had been vested with the sole and supreme command in the colony, in the constitution of which a very important change was effected; the original aristocracy of the country was converted into the rule of one, over the deliberations of whom the

people had no control. The evil of anarchy had of late been so sorely felt, that the necessity of the change appeared obvious, and the amiable and dignified demeanor of the new administrator, either prevented or silenced the murmurs of those who might not relish the alteration. A number of Frenchmen were brought with the last colonists, for the purpose of cultivating the vine; and considerable hopes were entertained that America would supply the market of London with wine. It is extraordinary, that, after the lapse of two centuries, notwithstanding the apparent aptitude of soil and climate, and the very frequent attempts that have followed this very important and costly experiment, and the encouraging success of posterior ones, no practical result has as yet, in any considerable degree realized the fond expectation; nor even authorized the belief that the time is much nearer, when those who delight in the juice of the grape, are to be gratified by the prospect of an American vintage.

Under the administration of lord Delaware, peace, industry, order and plenty succeeded to anarchy, ill success, confusion and dearth.

Sir George Somers had noticed during his stay at Bermudas, that there were in the woods of that island a great number of hogs, which were supposed to have descended from animals of that species that had escaped from some vessel wrecked near that island. It was deemed prudent to send him thither, in order that he might obtain as many of them as possible, which would make a valuable acquisition to the stock of the colony. After a very tedious passage, he reached the island, but before he could

accomplish the object of his mission, he departed this life. Mathew Somers, his nephew, who commanded under him, neglected the execution of his dying will to fulfill the intentions of lord Delaware, and returned to England to carry the corpse; having buried the heart and entrails near the spot on which the principal town of the island has since been built, and called St. George, in honor of the knight.

This year, the earl of Northumberland and forty-four other persons, were incorporated by the name of the "Treasurer and company of the adventurers and planters of the cities of London and Bristol, for the colony and plantation of Newfoundland," and obtained from the king a grant of the country from the 46th to the 52d degree of northern latitude, together with the seas and islands lying within ten leagues from the coast. The preamble states, as one of the inducements to the grant, that "divers of the king's subjects were desirous to plant, in the southern and eastern parts of Newfoundland, whither the subjects of this realm have for upwards of fifty years been used annually in no small number to visit, to fish." The parties soon after sent thirty more persons, under the orders of John Guy, of Bristol; who began a settlement at Conception bay, where they wintered.

Under the administration of lord Delaware, the colony reassumed a promising aspect; but it did not long possess the nobleman, to whom it was indebted for its restoration. His lordship, finding his constitution daily impaired, by a climate not congenial to it, sailed on the 28th of March, in quest

of relief, for the island of Nevis, famous in those days for its wholesome waters. The number of colonists, at his departure from Jamestown, was two hundred.

George Percy, who assumed the reins of government, yielded them to Sir Thomas Dale, who had been appointed to succeed lord Delaware, and who arrived shortly after with three ships, bringing with him three hundred colonists, twelve cows, twenty goats, and abundance of provisions.

A new governor, however, Sir Thomas Gates, arrived in the month of August: with him came a small fleet, consisting of six ships, on board of which were two hundred and eighty men, twenty women, one hundred head of cattle, two hundred hogs, military stores, and provisions.

The colony now began to extend itself up James river, and several new settlements were made. Sir Thomas Dale, with three hundred men, being one half of the colonists, went up James river, and built a town, which, in honor of the prince of Wales, he called Henrico, the ruins of which, according to president Stith, were still visible in 1746. His settlement being some time after attacked by the Appamatow Indians, who dwelt on the river, which to this day preserves their name, he marched against them, drove them off, and took possession of their town, which in remembrance of the island of Bermudas, he called Bermuda Hundred.

In the following year, the company obtained a new charter: its date is of the 12th March. It confirms their former privileges, and prolongs the time of their exemption from the payment of duties on

commodities exported by them, and their certain boundary by this grant was extended, so as to include all the islands lying within three hundred miles of the coast: this extension had been solicited with a view of including within the jurisdiction of Virginia, the island of Bermudas and the islands that surround it.

The company, however, disposed immediately of their new acquisition to one hundred and twenty of their own members, who, in honor of the late Sir George Somers, gave these islands the name of Somers' Islands; a name which they have retained on the English charts: on those of other nations, and pretty generally among English mariners, they are still known by the name of Bermudez, the Spanish navigator who is said to have discovered them. The new proprietors, last noticed, sent thither a colony of sixty persons, under the guidance of Richard Moore. They landed in June, and in the following month subscribed certain articles of government, which have been the origin from which civil institutions have, without interruption, been supported in Bermudas to this day: in the course of the year, the colony received an accession of thirty persons.

King James favored the adventurers of the first colony with the permission of raising in England money by a lottery: this is the first instance of any public countenance being given to the raising of money in this pernicious way.

Two ships, with eighty men, and a supply of provision, arrived this year in Virginia.

The year 1613 is memorable for the first hostilities between the English and French colonists in America.

Samuel Champlain, when commencing the settlement of Canada, had found the Adisonkas engaged in an implacable war with the Iroquois or five nations, a confederacy, consisting of the Mohawks, Oneidas, Onondagas, Cayugas and Senekas, who had been united from ancient time, had been driven from their possessions near Montreal, and had found an asylum on the south-east border of lake Ontario. The Adisonkas had, in their turn, been constrained to abandon their lands, situated above the three rivers, and to look for safety behind the straits of Quebec. Champlain had espoused their cause, and accompanying them, on an expedition against the five nations, had discovered the lake to which he gave his name; but which, except among the French, retains at this day its Indian name Ontario. The alliance of the Adisonkas with the French, turned the scale of success, and the allied tribes were defeated in several battles, and reduced to great distress, till procuring fire arms from a Dutch ship, that sailed high up Manhattan river, they became formidable enemies to the Adisonkas and the French.

Madame de Guercheville, a pious French lady, zealous for the conversion of the American Indians, had procured from Dumontz a surrender of his patent, and obtained from Louis XIII. a charter of all the lands of New France, from the St. Lawrence to Florida, with the exception of Port Royal. She sent out Saussaye, with two Jesuit missionaries. He left Honfleur on the twelfth of March, in a vessel of one hundred tons, and on the sixteenth of May, arrived at Lac Acre, or Acadia, where he set up a cross, with the arms of Madame de Guercheville, in token of his having taken possession for her. He proceeded next to Port Royal, where

he found only five persons, whom he took with him, and two Jesuits whom he met there; with them he proceeded to Mont Depot, an island thus named by Champlain, at the entrance of the river Pentagoet, in forty-four degrees twenty minutes of latitude; the Jesuits fixed their settlement on the eastern end of the island, and called the place St. Lawrence. Saussaye left them a suitable number of colonists.

The settlers were hardly provided with accommodations, before they were attacked by the English of Virginia, under captain Samuel Argal, sent by governor Gates, with seven small vessels, sixty soldiers, and fourteen guns. The French were not in a situation to make any resistance, and yielded to superior force. One of the Jesuits was killed, several of the colonists were wounded, and all made prisoners, excepting four or five, who found their safety in flight. Argal supplied his prisoners with a fishing vessel, in which they returned to France; he however retained fifteen of them and a Jesuit, whom he brought to Jamestown.

On his arrival there, governor Gates, and the council, resolved to send him back to the coast of Acadia, to raze all the settlements and forts to the forty-sixth degree. An armament of three vessels was immediately put under the orders of captain Argal, with which he proceeded to St. Lawrence, where he broke to pieces the cross, with the arms of Madame de Guercheville, and erected another with those of James I., for whom possession was now taken of the country. He next sailed to St. Croix, where he destroyed all the remains of Dumontz's settlement, and proceeding to Port Royal, he reduced the buildings erected there to ashes.

On his return to Virginia, he visited the Dutch settlement on Hudson's river, of which he demanded possession. Hendrick Christians, the governor, incapable of resistance, submitted himself and his colony to the king of England, and under him to the governor of Virginia.

Soon after his arrival at Jamestown, captain Argal accompanied Sir Thomas Gates to Chickahominy, where a treaty was held with the Indians, who solemnly engaged to be faithful to king James.

A proper direction was now given to the activity of the colonists; it exerted itself in useful industry, and a very important change took place. Hitherto, no separate or private property had been allowed, either in any part of the soil, or in the produce of it; the planters had till now labored together, and were fed and supported out of the common stock. The five years during which this imprudent regulation had been enforced, by the king's instructions, were now expired; the effect of it had not differed from what ought to have been expected; few and feeble efforts were made, while industry was not exerted by the certainty of the exclusive enjoyment of the produce of its labor; every one sought to remove his shoulder, as much as possible, from the public burden. Three acres were allotted to each man, to be improved as a farm; he was required to work eleven months for the store, out of which he was allowed twelve barrels of corn, and one month was allotted him to make the rest of his provisions.

In the course of the year, five hundred and forty persons arrived from England, at Bermudas.

Early in the following year, governor Gates returned to England, and the administration of the affairs of Virginia, devolved on general Thomas Dale.

A Dutch governor arrived at the settlement of Hudson river, with a reinforcement, to assert the right of Holland to the country : he refused to acknowledge, as his predecessor had done, the dependence of the colony on the English throne, and put it in a posture of defence ; he built a fort on the south end of the island of Manhattan, where the city of New York was afterwards built.

John Smith visited, this year, the northern part of Virginia, ranging the coast from Penobscot, to cape Cod, trading with the natives. From the observations he made on the shores, islands, harbors and headings, he, on his return, formed a map, and presented it to prince Charles, who, in the warmth of admiration, gave it the name of New England.

The allotment of farms to the colonists had, at first, produced a stimulus to industry ; but while these farms were held by a precarious tenure, and he, who bestowed his labor on the ground, had no security for the enjoyment of the improvements he erected on it, it could not be expected that agriculture should make rapid advances. It was therefore determined, to grant to every adventurer in the colony, fifty acres of land, in free and common socage, and the same quantity for every person imported into the colony.

In 1616, the government of Virginia was committed to Sir George Yardly. Soon after his arrival, the Chickahominies proving refractory, he marched against them with one hundred men ; he made twelve prisoners, who were ransomed for one hundred bushels of corn ; and as the price of peace, the Indians loaded three boats with the same article.

The culture of tobacco, which was introduced about this time, excited the cupidity of the colonists; for it, they neglected the fields that yielded the more necessary, though less profitable kind of produce; thus, their inattention to raising sufficient supplies of provisions, rendered their means of subsistence more precarious; and a consequent scarcity ensued, which compelled the whites to renew their demands upon the Indians: those people, at first, reluctantly yielded a part of their stores; but, the frequency of applications soon induced an open refusal; the English sought to obtain by violence, that which was denied to entreaty: the Indians' antipathy and lurking animosities were revived, and they soon began secretly to look for means of revenge.

Captain Argal, who arrived in Virginia as governor, in the following year, found it verging towards its ruin: the public works and buildings neglected, and fallen into decay; five or six private houses only, fit to be inhabited; the state house occupied as a church; the market place, streets, and every other spare place, planted with tobacco; the people dispersed, and their entire number reduced to about four hundred. It was the misfortune of the colonists, that the new administrator did not possess the talents which their situation demanded.

On the solicitations of the colonists, for a supply of husbandmen and implements of agriculture, the treasurer and company sent out lord Delaware, in a ship of two hundred and fifty tons, with two hundred settlers. His lordship died on his passage, near the bay, which then received, and has to this day retained his title: the ship arrived safely, and soon after, the colony received an accession of forty persons, by another.

Governor Argal's conduct became unusually rigorous; and martial law, which had been proclaimed and executed, during the turbulence of former times, was now in a season of peace, made the common law of the land. He published several edicts, "which mark the severity of his rule, but some of them evinced his attention to public safety. He ordered that all goods should be sold, at an advance of twenty per cent., and tobacco taken at three shillings per pound, and not more or less, under the penalty of three years servitude to the colony; that there should be no private trade nor familiarity with the Indians; that no Indian should be taught to shoot game, under the penalty of death, to the teacher and learner; that no man should shoot, except in his own defence, against an enemy, till a new supply of ammunition was received, on pain of a year's servitude; that every person should go to church, on Sundays and holidays, or be confined the night succeeding the offence, and be a slave to the colony the following week; for the second offence, a slave for a month, and for the third, a year and a day."

In the month of April, 1619, Sir George Yardley, who had been appointed governor general of Virginia, reached Jamestown, and, in pursuance of his instructions, issued a proclamation for the holding of a colonial assembly, on the 19th of June. On that day, the representatives of eleven boroughs assembled to exercise legislative powers; they sat in the same house with the governor and council, according to the practice of the Scotch parliament.

The fall of this year is remarkable for a dreadful mortality in Virginia, not less than three hundred colonists having fallen victims to it.

enty thousand pounds of tobacco were this year, exported from Virginia to England.

The Puritan or Reformed church, in the north of England, had, in the year 1606, on account of its distressed state, divided into two distinct churches: one at Amsterdam, under the care of John Robinson, finding themselves extremely harrassed, on account of its non-conformity, sought an asylum in Holland: they settled in Amsterdam, and afterwards in Leyden. After residing several years in the last city, various causes induced them to think of a removal to America. In the year 1618, having determined to go to Virginia, they desired some of their members to treat with the Virginia company, from which, after several attempts, they obtained a patent, in the year 1619.

Preparations were instantly made, and in the month of May, of the following year, a part of the church returned to England, and on the 5th of August, sat sail from Southampton, for Virginia, on board the ship *Mayflower*, of one hundred tons; and a smaller one, the *Patience*, of sixty: a leak sprung by the latter, compelled them to return, and they at last sailed from Plymouth, leaving the leaky ship behind, and taking another, the *May Flower*.

They reached cape Cod, on the 19th of November, finding themselves more northerly than they wished, stood to the southward, intending to land towards the Connecticut river: falling, however, among shoals, encountering severe storms, they were induced, as the winter rapidly advancing, to abandon their plan, and after being for a considerable time in search of a convenient spot, the company landed, on the 23d of December, and two days after, began to build the first house,

on the spot where the present town of Plymouth state of Massachusetts, now stands.

A few days after their departure from England James had granted a patent to the duke of Lenmarquises of Buckingham and Hamilton, the Arundel and Warwick, Sir Ferdinando Gorges, thirty-four other persons, and their successors, the style of "The council established at Plymouth, the county of Dover, for the planting, ruling, and governing of New England, in America." The country lies, between forty and forty-eight degrees north latitude, from sea to sea, was given them in full property; the rest of their charter, differs but from that of the Virginia company.

In the mean time, eleven ships, with twelve hundred and sixteen persons, had arrived at Jamestown, and after, one hundred and fifty girls, either "young uncorrupt," or "handsome and well recommended by their virtuous education and demeanor," were the colonists. They were thought too valuable to be gratuitously bestowed: one hundred weight of tobacco, the value of which, in money, was about fifty pounds, was at first insisted upon; but the supply not being equal to the demand, the price advanced fifty per cent. and one hundred dissolute persons were delivered by the king's command, to the treasurer and controller at home, by the knight marshal, and were accordingly put over as servants.

The culture of tobacco had hitherto exclusively grossed the attention of the colonists. It was now directed, to more immediate and variegated objects. One hundred and fifty persons were employed in setting up iron works; others were directed to apply

making pitch, tar and potash, to erect some
I prepare for the culture of silk : tobacco was,
still considered the principal staple commodi-
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gal powers, belonging to a county palatine. The attempt to bring over a Scotch colony proved abortive. Sir Alexander divided his palatinate into two districts, calling the southern one Nova Caledonia, and the other Nova Alexandria.

This year, George Calvert Lord Baltimore, obtained a patent for the south-eastern peninsula, of Newfoundland, which, he named the province of *Avalon*, from Avalonius, a monk, who was supposed to have converted the British king Lucius and all his court, to Christianity. At Ferryland, in the province of Avalon, lord Baltimore built a fine house, and spent two thousand five hundred pounds sterling, in advancing his plantation. He appointed Edward Wynne, governor of the colony, and visited it twice in person; but he was so annoyed by the French, that, though he repulsed and pursued their ships, and took sixty prisoners, yet, he found his province so much exposed to their insults, and the trouble and expense of defending it so very great, that he was obliged to abandon it.

Virginia now made rapid advances in population and wealth. The quantity of tobacco, now exported, was more than sufficient to supply the English market; and the company opening a trade, for the surplus, with the Dutch, considerable shipments were made to Middleberry and Flushing. This division of wealth, and the consequent diminution of the revenue, which the crown derived, from a duty which had been imposed on the importation of tobacco, awoke the attention of the king, who interposed his authority, to check, what he called an illegal innovation. The company invoked, not only their general privileges as Englishmen, to carry their commodities to the best market, but insisted on the full

benefit of the particular concession, in their charter, by which they contended an unlimited freedom of commerce was secured to them. This controversy, which is remarkable, as the first between the mother country and one of the colonies, was at last, terminated, by an amicable arrangement. The company obtained the exclusive right of importing tobacco into the kingdom, and submitted to the obligation of bringing all its productions there, and to a duty of nine pence per pound of tobacco.

Extensive settlements were now made, at a considerable distance from Jamestown, even as far as the Potomac; and the situation of the colonists appeared so prosperous, when contrasted with the disastrous state, in which it had lately been, that they suffered themselves to be lulled with the most dangerous security, and their attention to be entirely taken up, in procuring the luxuries of civil life; their martial exercise was entirely laid aside, and every precautionary measure, against the infidelity and attacks of the Indians, discarded as superfluous.

These people had been employed by the whites, in the capacity of menial servants, of fishermen, and hunters; they had been allowed the use of fire arms, and had acquired a considerable dexterity in the management of them: those who did not dwell within, or in places contiguous to the habitations of the whites, came into them at all times of the day, and even of the night, and were received as welcome guests, or, at least, as harmless visitants. This inconsiderate confidence, enabled them to plan, and in a great degree to accomplish, the general slaughter of the whites: the plot was concealed with surprising secrecy, although all the natives within

a very wide circle, were successively engaged in the conspiracy. Each tribe had its station allotted, and a part cast in the tragedy. On the morning of the day appointed, every one was at his post, and the English were so unconscious of the approaching catastrophe, that a number of Indians, who came in as spies, to ascertain whether any unthought of obstacle might prevent the success of the enterprise, under the pretence of bringing in, as usual, presents of venison and vegetables, were received with the accustomed cordiality. As the sun reached the meridian, the foe suddenly rushed in, from every point of the compass, upon the settlements of the whites, in every part of the colony. Men, women and children fell, indiscriminately, under the axe or knife. Jamestown was, however, saved by the fidelity of an Indian, who lived with one of the planters, as one of his domestics, and recoiling at the idea of being the destroyer of his master, acquainted him with what was about to happen, soon enough to alarm his neighbours, who, running to their arms, defended themselves so bravely, as to repel the assailants. The Indians had not courage or strength of mind, to execute the horrid deed, which they had, with so much sagacity, concerted and concealed.

In some of the settlements, not one white person escaped: in the whole, one fourth part of them fell. War ensued, and was followed by famine. Eighteen hundred persons only, survived these disasters.

Several families fled to the southward, and settled a place called *Mallica*, near the river May, and afterwards, visited and converted the Appalache Indians to the Christian faith.

On the first account of this complicated series of disasters, a liberal collection was made for the relief of the sufferers, by the company in London. A supply of arms was obtained from the tower, and vessels were speedily despatched with the much needed relief.

While the colony experienced so disastrous a calamity, the company at home were distracted by dissention in her councils. The king added his influence to the efforts of one of the parties that divided the company : but its weight was not sufficient to cause the scale to preponderate. Chagrined at this, he commissioned Sir William Jones, and six other persons, to inquire into all matters respecting Virginia, from the beginning of its settlement ; and he also, at the same time, sent others to inquire on the spot. On the arrival of this deputation at Jamestown, the general assembly was called, not at their request, for they kept all their designs as secret as possible. The house had information of the proceedings in England, and copies were sent over of all the papers that had been acted on ; they drew up a spirited remonstrance, and sent an agent with it to England.

This legislature is the first, the records of which have escaped the destroying hand of time. One of the acts it passed, is in the nature of a bill of rights ; it defines the powers of the governor, the council, and the assembly, and it asserts and declares the privileges of the people, in regard to taxes, burdens, and personal services.

In the mean while, the king had, by a writ of *quo warranto*, prosecuted the annihilation of the company he was not unsuccessful ; the court of king's bench declared the charter forfeited.

On the 26th of August, a commission was issued for the appointment of Sir Francis Wyatt, as royal governor of Virginia, with eleven assistants or councillors; both the chief administrator and his council, were to act during the king's pleasure: no assembly was mentioned or allowed.

James did not live to realize the fond expectations, which he now entertained, from his uncontrolled management of the affairs of Virginia.

At his decease, which happened on the 27th of March, 1625; he left the English settlements, in America, in a very advanced degree of progressing improvement. On his coming to the throne, he found not an individual of his nation living under her laws, in any part of the new world. The settlers of his province of Virginia, were now scattered over all the borders of the Chesapeake, within the present limits of the state; they possessed large herds of cattle; great sums of money had been spent, and much care bestowed, in the prosecution of useful arts and manufactures, particularly iron works, wine, silk, sawing mills and salt pans. The exportation of tobacco averaged forty-two thousand and eighty five pounds a year, and a specimen of Virginia wine had been sent to England, in 1622.

The northern colony, although but four years had elapsed since "the landing of the pilgrims," had multiplied their settlements along the coast.

Neither was the success of the English in colonization confined to the main. The small island of Bermudas and its islots contained now, an English population equal to that of Virginia, successfully employed in raising tobacco; and in the last year of James' reign, the

islands of St. Christopher and Barbadoes, began to be added to the list of English colonies.

The French and the Dutch were the only nations that could be said to have, at this time, any establishment in North America, although the Spaniards had yet, as in the beginning of James' reign, a few soldiers garrisoning some forts built on the coast of Florida.

But neither the French nor the Dutch could rival the English : the first had established the towns of Quebec and Montreal, but the population there was extremely thin ; they traded at Tadoussac, and had some fishing huts on the coast of Acadia : they had also, a few soldiers in a fort they had built, in the island of St. Christopher.

The Dutch at New Netherlands, in defence of that colony, had built several forts, one on the east side of Delaware bay, which they named fort Nassau, one up Hudson river, called fort Orange, on the spot on which stands the present town of Albany, and a third, the Hirsse of Good Hope, on Connecticut river. At the mouth of the Hudson, they had laid out the city of New Amsterdam, which is now known as that of New York ; they gave their attention, principally to the fur trade ; four thousand beaver, and seven hundred otter skins, were exported to Holland, in the year 1624, estimated at twenty-seven thousand one hundred and fifty guilders.

Lord Baltimore, had abandoned the settlement he had begun at Newfoundland ; none of the European nations had any established government there ; fishing vessels from the most of them, sought employment thither ; among them, the English had three hundred and fifty

sail, estimated at one thousand five hundred tons, employing five thousand persons, and making on an average, annually, about one hundred and thirty-five thousand pounds sterling.

Smith—Stith—Beverly—Keith—Marshall.

CHAPTER V.

SIR George Yardly was appointed governor of Virginia, on the accession of Charles II. to the throne of England. The new monarch devolved, on his representative at Jamestown, the absolute government of the province, under the directions of the crown; the Virginians were compelled to obey statutes, in the formation of which they had no agency, and to pay taxes, for the imposition of which they were not consulted. Neither was the new oppressive system confined to their public affairs; it soon affected private property; the planters were forbidden to dispose of their tobacco to any person, but certain commissioners appointed by the king to engross that commodity; the king's favorites, at home, soon began to obtain vast and ill defined concessions of land, which checked the progress of agriculture, and became the source of frequent disputes about titles, and consequent litigation.

In the following year, a bill for the maintenance and increase of shipping and navigation, and for the free liberty of fishing voyages on the coasts of Newfoundland, Virginia and New-England, passed the house of commons, but never was returned from the house of lords; it is supposed to have been the revival of a bill, the introduction of which had given offence to king James, in 1621. The spirit of the commons was not

repressed by the miscarriage of it; in a strong representation of grievances, which they presented to the monarch, they insisted that "restraint of the subject from the liberty of a free fishing, with all the necessary incidents, was a great national grievance." The spirit displayed by this animated assembly, and its refusal to grant to the sovereign a required aid, brought on its dissolution.

Gustavus Adolphus, king of Sweden, having patronized the scheme of Gulielm Usselin, to establish a Swedish colony, near that of the Dutch, on Hudson river, a number of Swedes and Fins came over in the year 1627, and landed on cape Henlopen, which they called Paradise Point; they purchased from the natives all the land from that cape to the falls of the Delaware.

On the twenty-second of June, Charles I. granted to the earl of Carlisle the island of Barbadoes, and all the Caribbee islands; the whole was erected into a province, which, in honor of the patentee, was called *Carliola*.

Governor Yardly dying, was succeeded by sir John Harvey. The conduct of the new administrator was not calculated to lessen the pressure of the king's despotism; he was haughty, inauspicious, and unfeeling.

The English, the following year, settled on the island of Nevis, and at the same time was laid the foundation of the colony of Massachusetts. The council for New-England, on the nineteenth of March, sold to sir Henry Roswell, sir John Young and four other associates, in the neighborhood of Dorchester, in England, a patent for all that part of New-England, lying between three miles to the northward of Merrimack river, and three miles to the southward of Charles river, and a length within the described breadth, from the Atlantic ocean to

the South sea, and on the following year the grantees were incorporated, by the name of "the governor and company of the Massachusetts bay, or New-England."

A commission having been given this year, by Charles I. to David Kertz and two kinsmen of his, of the same name, they advanced as far as point Levy, and sent an officer on shore, to Quebec, to summon the city to surrender. Samuel Champlain, who had the chief command there, knowing his means inadequate to a defence, surrendered the city by capitulation.

This year, the town of Boston, in Massachusetts, was settled.

In 1629, the English began a settlement at New-Providence, one of the Bahama islands, which at that time was entirely uninhabited.

Sir William Alexander sold all his rights in Nova Scotia, excepting Port Royal, to Saint Etienne, lord Latour, a French Huguenot, on condition that the inhabitants of the territory should continue subjects to the crown of Scotland. The French still retained possession of the country.

Sir Robert Heath, attorney-general to Charles I. obtained a grant of the lands between the thirty-eighth degree of north latitude, to the river St. Matheo. His charter bears date of October 5, 1629, or the fifth year of Charles I. The preamble sets forth, that the grantee being excited, with a laudable zeal for the propagation of the Christian faith, the enlargement of his sovereign's empire and dominions, the increase of the trade and commerce of the kingdom, had besought leave, by his own industry and charge, to transplant an ample colony of English subjects, unto a certain country in America, not yet planted or cultivated.

The land granted, is thus described : "by all that river or rivulet of San Matheo, on the south part, by all that river or rivulet of Passo Magno, on the north part, and all the lands, tenements or hereditaments, within the said two streams, by the tract thereunto, the ocean on the eastern and western parts, so far south as the continent extends itself there: and also all those islands of Veanis and Bahama, and all the islands and islots near thereto, and lying southward of and from the said entrances all which lie within the thirty-first and thirty-sixth degrees of north latitude inclusively."

The tenure is declared to be as ample as any bishop of Durham, in the kingdom of England, ever held and enjoyed, or ought or could of right have held and enjoyed.

Sir Robert, his heirs and assigns, are constituted the true and absolute lords and proprietors, and the country is erected into a province, by the name of Carolina, and the islands are to be called the Carolina islands.

Sir Robert conveyed his right, some time after, to the earl of Arundel. This nobleman, it is said, planted several parts of his acquisition, but his attempt to colonize was checked by the war with Scotland, and afterwards the civil war. Lord Maltravers, who soon after, on his father's death, became earl of Arundel and Sussex and earl marshal of England, made no attempt to avail himself of the grant.

On the fifth of November, a treaty of peace was concluded with Spain, by which it was stipulated, that the subjects of both crowns should be at peace and amity, in all parts of the world. Hitherto, the Spaniards had exercised perpetual hostility against all European ships

in the American seas, pretending, under Alexander's bull, to the exclusive right of navigating them.

Robert, earl of Warwick, having the last year received a patent from the council of Plymouth, of all that part of New-England, which extends from Narraganset river one hundred and twenty miles, on a strait line, near the shore, towards the south-east, from sea to sea, now made it over to William viscount Say and Seal, Robert, lord Brook, and their associates. This is the original patent for Connecticut.

In the month of May, the king granted a license, under his sign manual, to William Claiborne, "to traffic in those parts of America, for which there was already no patent granted for the sole trade." Claiborne and his associates, with the intention of monopolizing the trade of the Chesapeake, planted a small colony on the island of Kent.

By the treaty of St. Germain, in the following year, Charles I. resigned the right which he had claimed to New-France, Acadia and Canada, as the property of England, to Louis XIII. king of France.

Sir Thomas Warner, governor of St. Christopher, established a small colony on the island of Montserrat. Antigua was settled at the same time.

George lord Baltimore, sickened by the severity of the climate, and barrenness of the soil, in his province of Avalon, having visited that of Virginia, was much pleased with the mildness of the weather and the fertility of the land, and observing that the settlements in the latter province did not extend behind the river Potomac, on his return, solicited a grant, but before the patent could be prepared and pass the seals, he died, on

the 16th of April. On the 20th of June following, his eldest son Cecilius Calvert lord Baltimore, received a grant of a vast tract of land to the northward of the river Potomac, which was erected into a province, by the name of Maryland, in honor of Henrietta Maria, queen of England, and daughter of Henry IV. of France; this included the island of Kent, of which we have seen William Clayborne had possessed himself the preceding year.

This grant gave umbrage to the Virginians; in a petition to the king, they remonstrated against "some grants of a great portion of the lands of the colony, so near their habitations, as will be a general disheartening to them, if they shall be divided into several governments." Clayborne lay claim to his island, and declared his intention to disown the jurisdiction of Maryland, countenanced by the Virginians, whose jealousy of the new grantee was extended to the members of the religion he professed; the legislature passed severe laws against sectaries of all denominations: this was an inconsiderate act; it occasioned the flight of some of the planters to other colonies, and prevented the arrival of others who intended to remove to Virginia.

This year was built the first house in Connecticut.

Lord Baltimore sent over his brother, George Calvert, with about two hundred Roman Catholics; they sailed from England in the month of November, and arrived in the Chesapeake in the following year; proceeding to the Potomac, he passed by the Indian town of that name, and went to Piscataway, where by presents to the head men, he conciliated their friendship to such a degree, that they offered to sell one part of the town to him, and to live in the other, till they could gather their

harvest, when they would resign the whole to the English. Calvert, thus obtaining possession of the town, gave it the name of St. Mary's.

The king now gave a special commission to the archbishop and eleven other persons, for governing the American colonies, and an order was given to the lords commissioners of the cinque ports and other sea ports, to stop the promiscuous and disorderly departure of the king's subjects to America, and the sending of a governor-general thither was spoken of.

As soon as information of this reached Boston, there was a general meeting of as many of the colonists, as could be called together, and the clergy were wished to attend it, and give their advice; all the ministers appeared, except one, and the meeting came to an unanimous resolution, that if such a governor were sent, he ought not to be received, but the people should, if able, defend their lawful rights, otherwise temporise.

In the summer, the council of Plymouth surrendered its charter to the king, that instrument being complained of in parliament, who construed it as a monopoly: and soon after, a *quo warranto* was brought against the governor, deputy governor and assistants of the corporation of Massachusetts, on which a judgment was soon obtained against them. Preparations were made for sending over a governor-general, but a large ship, which was built for that purpose, fell asunder in the launching, and the scheme was abandoned.

In the fall, the patentees of Connecticut sent over John Winslow, as the first governor of that colony; the Dutch of New Netherlands opposed his taking possession of his government, but he prevented them, and

built a fort at the entrance of Connecticut river, which he called Saybrook.

The French this year made their first establishment at Cayenne, in the West Indies, under Monsieur de Boulogny.

In the following year, the settlement of Providence was began, under the auspices of Roger Williams, a minister, who had been driven away from Massachusetts; and John Wheelright, another minister from the same colony, who was ordered by the general court to remove out of the jurisdiction of Massachusetts, on a charge of sedition and contempt of authority, began a plantation at Rhode Island.

Although the people in Virginia, at a great distance from the throne, and ever awed by the authority derived from a royal commission, submitted for a considerable time to governor Harvey's exactions and tyranny, their patience was at length exhausted; roused almost to madness, they seized and sent Sir John a prisoner to England.

The king found the mode, adopted by his subjects, in Virginia, to redress their own grievances, quite repugnant to his idea of the passive obedience due to a monarch; he considered it as an encroachment on his rights, and a daring act of rebellion; he refused to admit to his presence two colonists, who had come over with the governor, in order to lay the complaints of their countrymen at the foot of the throne, and far from hearkening to their solicitations, he renewed the powers of Sir John, and commanded him to return immediately to Jamestown.

Charles did not, however, persist long in the determination of disregarding the remonstrances of the colonists;

either affected by their distress, or conscious of the danger he ran in provoking them, to assert their rights by violence, he despatched, in the following year, Sir John Berkley, to supersede governor Harvey.

The new administrator, on meeting the colonists, imparted to them the orders he had received, to rule the country, according to the laws of England, and he soon after directed an election of burgesses, to meet him and the council in a general assembly.

In the month of April, the king issued a proclamation, to restrain the transportation of his subjects to America; it forbade the granting of any license for that purpose, unless the applicant produced a certificate of his having taken the oaths of supremacy and allegiance, and conformed to the discipline of the church of England; and an ordinance was issued, forbidding all persons to entertain any stranger that should arrive in the colonies, with intention to reside, or allow him an habitation, without liberty from the standing council.

The plan of uniting the government of the American colonies, under one officer, was revived, and Sir Ferdinando Gorges was appointed governor-general, but it does not appear that he ever acted under his commission.

Governor Berkley had it in strict charge, to require from every vessel sailing from Virginia, a bond with surety, for the landing of her cargo in some part of the king's European dominions.

Monsieur d'Ernambuc, the founder of the French colony in the island of St. Christophers, brought from that island one hundred soldiers, to Martinico; he built a fort, which he called St. Peters', and began the settlement of that island.

The power of archbishop Laud growing grievous to the Puritans, many of them thought of seeking refuge in the American plantations; such number of families began to transport themselves, that government took umbrage, and a proclamation was issued, to prevent migrations to America, without the king's license. Oliver Cromwell and John Hambden, two persons who a few years after became so famous, were among a number of men of note, who had made preparations for their departure, and in consequence of the proclamation, the lord treasurer was directed by an order of the king and council, to take speedy and effectual measures for the stay of eight ships, in the river Thames, bound to New-England; accordingly, Oliver Cromwell and John Hambden, and the rest of the passengers, were compelled to abandon their intended voyage.

In the following year, Sir Ferdinando Gorges obtained from the crown a distinct charter of all the land, from Pasquataqua to Sagadahoc, styled the Province of Maine; he was created lord palatine of the country, with the same powers and privileges as the bishop of Durham, in the county palatine of Durham; he constituted a government in the province, and laid the foundation of a city, which he called *Gorgeana*.

This year is noted for the establishment of the first printing press in North America, it was set up at Cambridge; and the establishment of a nunnery in Quebec, in Canada.

The colony of Virginia was called upon by the king's letter, to grant assistance to Henry lord Maltravers, in settling Carolana, and on motion of William Hawley, who was his lordship's deputy, an order of council was made to that effect.

An attempt was made in parliament, to establish over Virginia the government of the ancient company, and to annul the charter of Maryland; but it was vigorously opposed by the Virginia assembly, and the measure was abandoned: "the ancient dominion had now learned from experience, that more liberty is enjoyed under any form, than beneath the rule of a commercial company."

The French began, in 1641, to establish a colony at a place on the continent of South America, called Surinam, but finding the climate unhealthy, and the land low and marshy, they abandoned it to the English, who the same year, under the auspices of lord Willoughby, first settled there.

The intrigues of Clayborne in Maryland infused jealousy into the natives; the rapid increase of the English, threatening their own annihilation as a people, gave them much uneasiness; individuals procured their lands, without the authority of government, for considerations totally inadequate, with which, therefore, on review, they were greatly dissatisfied. These combined causes, in the beginning of 1643, brought on an Indian war, which, with its accustomed evils, continued several years.

On the nineteenth of May, 1643, was signed at Boston, a treaty made between the colonies of New-England; this measure had been in agitation for several years, and five years before those of Massachusetts, Connecticut, Plymouth, and New-Haven, had formed a treaty of amity, offence and defence, mutual advice and assistance, on all necessary occasions; circumstances delayed the execution of this treaty, which was now subscribed by commissioners from those colonies, who

met at Boston. The vicinity of the French, Dutch, and Swedes, the hostile attitude taken by the Indian tribes near them; the civil dissensions in England, which obstructing commerce, rendered a communication with the mother country difficult, and consequently prevented the means of obtaining supply or relief on urgent occasions.

The parties to this instrument declare, that as in nation and religion, so in other respects, they be and continue one, and henceforth be called the United Colonies of New-England. The united colonies were to form a body, with regard to their common concern, but the private concerns of each were to be managed by its own court and magistrates; in case of need, the force to be raised by the union, was to be, in the proportion of one hundred men in the colony of Massachusetts, and forty-five in each of the others. This union subsisted until the abrogation of the charter of the New-England colonies, by James II. in 1684.

The earl of Warwick was this year appointed, in pursuance of an ordinance of parliament, governor in chief and admiral of the American colonies; a council was given him, composed of five peers and twelve commoners; with it he was empowered to examine the state of the colonies, to send for persons and papers, to remove governors and officers and appoint others in their places, and to assign to those such part of the powers that were there granted, as he should think proper.

One of the first acts of the new governor in chief was a charter of incorporation of the towns of Providence, Newport and Portsmouth, with the power of governing themselves, but agreeably to the laws of England.

Duparquet of Martinico this year took possession of the island of St. Lucia, in the name of Louis XIV. who had ascended the French throne two years before.

The legislature of Virginia prohibited trade by barter, and established the piece of eight or six shillings, as the standard of currency for the colony.

A rebellion now broke out in Maryland, at the head of which were William Clayborne and Richard Ingle, who not only forced governor Calvert to fly for aid and protection into Virginia, but took possession of the public records, and for a long time prevented the exercise of the powers of government.

By an ordinance of the lords and commons of England, all merchandize, goods and necessities, for the American plantations, were exempted from duty for three years, on condition that no ship or vessel in any of the colonial ports, be suffered to load any goods of the growth of the plantations, and carry them to foreign parts, except in English bottoms. This was the foundation of the navigation acts.

The French, in Canada, finding it difficult to contend with the Iroquois, a very powerful nation of Indians, solicited aid from the province of Massachusetts, and offered liberal compensation: but no succor was given, it being thought, those Indians would be a powerful bulwark between the English and French, in case of a war breaking out between them.

The commissioners of the united colonies sent an agent to the governor and council of Canada, to project an agreement, by which, in case of war between the two nations, the French and English colonies should remain in peace. Monsieur d'Ailleboust, the governor,

as well as his council, received the proposition with great eagerness, and appointed father Dreuilletes to go to Boston to make the necessary arrangements, on condition that the English would aid the French against the Iroquois: but the same reasons, that had induced the rejection of this measure last year, prevailed, and nothing was done.

The year 1648 is remarkable for the peace of Westphalia.

The French, under the auspices of Monsieur de Poincy, governor of St. Christopher, began their settlements in the island of St. Bartholomew.

During the extreme distress of the royal party in England, this year, the territory between the Rappahannock and the Potomac, was granted to lords Hopton, Beverly, Culpepper, and other cavaliers, who probably wished to make Virginia an asylum.

On the 30th of January, Charles I. was beheaded at Whitehall, in the fifty-first year of his age, and the twenty-sixth of his reign.

At the demise of this monarch, the whole centre coast of the northern continent of North America, was either settled or had been granted away, from the province of Maine to the river St. Matheo. The settlements of the French, in Canada, were in a considerable progress.

The foundation of the whole of the New-England colonies was laid; the Dutch possessed the present states of New-York and New-Jersey, and part of that of Connecticut, and had plantations much higher than Albany; the Swedes occupied the shores of the present states of Pennsylvania and Delaware; the colony of Maryland, owing to its late commotion, was still in its infancy; that of Virginia was in a prosperous state; the country

now covered by the states of North and South Carolina, and Georgia, was claimed by the assignees of Sir Robert Heath, who till now had made no advances towards the occupation of it.

The Spaniards had made no improvements in Florida; they still kept, as during the reigns of the two predecessors of Charles I., a few soldiers in some forts on the coast.

We have seen, that part of the island of St. Christopher had been occupied by the English, and another by the French; these two nations still kept their possessions.

The English, during Charles's reign, had occupied, in the West Indies, the island of Barbadoes.

The French had settled colonies in Martinico, St. Lucia, St. Christopher, and claimed the island of Grenada, but the establishments were of so little importance, that in the year 1651, Duparquet purchased from the West India company, the islands of Martinico, St. Lucia, Grenada, and the Grenadines, for fifty thousand livres, of the value of little more than ten thousand dollars. Seven years after, the progress of colonization in the West Indies had been so very great, that he sold the single island of Grenada, for thirty thousand crowns, of the value of about eighteen thousand dollars.

The successes of the English, in the predatory incursions upon Spanish America, during the reign of Elizabeth, had never been forgotten: and from that period downward, the exploits of Drake and Raleigh were imitated, upon a smaller scale indeed, but with equally desperate valour, by small bands of pirates, gathered from all nations, but chiefly French and English. The engrossing policy of the Spaniards tended greatly to extend the number of these freebooters, from whom, their

colonies suffered in the issue dreadful calamity. The windward islands, which the Spaniards did not deem worthy their own occupation, had been gradually settled by adventurers of the English and French nations ; but Frederick of Toledo, who was despatched in 1630 with a powerful fleet against the Dutch, had orders from the court of Madrid to destroy these colonies, whose vicinity at once offended the pride, and excited the jealous suspicions, of their Spanish neighbors. This order the Spanish admiral executed, with sufficient rigour : but the only consequence was, that the planters, being rendered desperate by persecution, began, under the well known name of buccaneers, a retaliation so horribly savage, that the perusal makes the reader shudder. When they carried on these depredations at sea, they boarded, without respect to disparity of number, every Spanish vessel that came in their way, and demeaning themselves both in the battle and after the conquest, more like demons than human beings, they succeeded in impressing their enemies with a sort of superstitious terror, which rendered them incapable of offering effectual resistance ; from piracy at sea, they advanced to making predatory descents on the Spanish territories, in which they displayed the same furious and irresistible valour, the same thirst of spoil, and the same brutal inhumanity to their captives ; the large treasure which they acquired in their adventures, they dissipated in the most unbounded licentiousness, in gaming, women, wine, and debauchery of every species ; when their spoils were thus wasted, they entered into some new association, and undertook new adventures.

Smith—Stith—Beverly—Keith—Marshall.

CHAPTER VI.

IN the month of June, 1650, Charles II. sent from Brada, a new commission to Sir William Berkely, as governor of Virginia, declaring his intention of ruling and ordering the colony, according to the laws and statutes of England. His authority continued to be acknowledged in Virginia, and several of the West India islands. This induced parliament to prohibit, by an ordinance, all trade with Virginia, Barbadoes, Bermudas and Antigua; and in the following year, the legislature of Massachusetts passed an act, forbidding all trade with these colonies, till their submission to the commonwealth, or the further orders of the general court.

This year, the French established a colony on the island of Grenada, and the English on that of Anguilla.

The Dutch, navigating their ships at a much cheaper rate than their neighbors, and carrying, consequently, goods for a much less freight, had engrossed a considerable portion of the carrying trade; they were even employed to convey American produce to England. This evil had arisen to so high a degree, that English seamen finding it difficult to find occupation, on board of the vessels of their own nation, sought it on board of those of the Dutch. This, and a desire of adopting the most effectual mode of retaining the colonies in dependence on the parent state, and of securing to it the benefit of their

increasing commerce, induced parliament to pass an act, forbidding the importation of merchandise from Asia, Africa, or America, (including the English plantations there) into England, in any but English built ships, and belonging either to English, or English plantation subjects, navigated by an English commander, and a crew, of which three fourths should be English; excepting such merchandise, as should be imported directly from the original place of their growth or manufacture, in Europe solely; and that no fish should, thenceforward, be imported into England or Ireland, nor exported thence to foreign ports, nor even from one of their own home ports, but what should be caught by their own ships.

The house of commons, who had assumed the government of England, issued a proclamation, for the reduction of the colonies to a dependence on the mother country. This paper states, that as the colonies were settled at the expense of the mother country, they were dependent on it, and owed obedience to its laws. A considerable fleet was accordingly put under the command of Sir George Ayscue, and he was directed to proceed to America, to endeavor, by peaceable means, to reduce the colonies to obedience, and if these failed, to reduce them by force.

Sir George Ayscue reached the island of Barbadoes, on the 16th of October, and with some difficulty succeeded in bringing the island to capitulate: the other English islands recognized the power of the commonwealth. This being effected, Sir George despatched captain Dennis, with a small squadron of men of war, to reduce the colony of Virginia, to the rule of the protector.

Governor Berkely, who had timely notice of the approach of the men of war, made preparations to defend the country. There happened to be before Jamestown, seven Dutch ships, the masters of which, apprehending they might be considered as pursuing a forbidden trade, were easily persuaded to lend their assistance, in repelling the squadron of the commonwealth. The cargoes of these ships were landed, cannon was put on board, and they were filled with armed men: a line of them was formed, moored close to shore, with their broadsides to the enemy: several pieces of ordnance were placed, so as to support the line formed by the ships, flanked by a number of troops, covering the shores of the river as far as the eye could reach.

The commander of the English fleet, whose force was much weakened by the fatigues the troops had experienced, and the shortness of the supply of provisions, was much disappointed in encountering, when he imagined he touched the end of his labors, an enemy so well prepared to resist him; he determined on an attempt to attain by negotiation, what appeared so difficult to effect by arms; flags of truce passed between him and the governor.

One circumstance was calculated to facilitate the submission of the colony. There were on board of the fleet, large quantities of merchandise belonging to two members of the council, who were not long without understanding, that the restoration or loss of their property depended on their conduct, or the eventual success of the negotiation. Beverly, a historian of the day, imagines that the unanimity, which heretofore had prevailed in the councils was, on this account, destroyed

and perplexed; the idea of resistance was abandoned, and the efforts of the council, were confined to obtaining favorable terms for the surrender of Virginia.

In this they met with no difficulty: the English commander consented, that neither the governor nor any of the council, should be obliged to take any oath or engagement to the commonwealth, for twelve months; nor confined for praying for, or speaking well of, the king, in their private homes or neighbourly conference, during that time.

That governor Berkely might, at his own expense, send a person to give an account to the king, of the surrender of the colony.

That the governor and members of the council, should have their lands, horses, goods, and debts protected, and liberty to remove themselves with their property.

That all persons in the colony, who had served the king in it or in England, should be free from prosecution therefor, and that the commissioners of the protector should issue, immediately on the surrender of the colony, an act of oblivion and indemnity, under their hands and seals: these preliminaries having been arranged, articles were agreed on for the surrender of the colony.

It was stipulated, that the plantations of Virginia and its whole lands, should be and remain, in due obedience and submission to the commonwealth of England, and enjoy the same freedom and privileges, as the freeborn people of England.

That the general assembly should convene, and transact business, as had been theretofore used; but that

nothing should be acted or done, contrary to the government of the commonwealth, and the laws then established.

That there should be a total remission and indemnity, of every thing done or spoken against the parliament.

That the ancient limits of the colony should be confirmed; as well as all the patents for land, granted by any of the preceding governors; and the privilege, of fifty acres of land to new comers, should be continued.

That there should be as free a trade from Virginia, as from any English plantation in America.

That Virginia should pay no taxes, not imposed by the general assembly, and that no fort or garrison should be erected or maintained, without its consent, and no charge should be made against them for the present expedition.

That such colonists, as might refuse to take an oath of fidelity to the commonwealth, might, within one year, withdraw themselves and property.

That the use of the prayer book, changing what relates to the sovereign, should continue; that the ministers should remain in their functions for one year.

That the grant of the quit rents for seven years, should be confirmed.

On the 30th of April, it was agreed, in a general assembly, composed of the commissioners and representatives of the people, that Richard Bennett should be governor for one year, or until the pleasure of the council of state should be known. William Clayborne was appointed secretary of the colony; and a council of thirteen was, at the same time, appointed to advise the governor; and these executive officers were directed to

act from time to time, and to have such power and authorities as, by the house of assembly, shall be appointed and granted, to their several places.

To encourage the staple commodity of Virginia, the English parliament, this year, passed an act which gave legal power to the ordinances of James and Charles, forbidding the planting of tobacco in England.

The inhabitants of the province of Maine were, at their own request, taken under the protection of the colony of Massachusetts, to which they have remained united in government, till within a few years. Massachusetts claimed the jurisdiction of that province, as lying within the limits of its charter of 1628.

The government of Maryland was taken out of the hands of Lord Baltimore, for disloyalty to the ruling power in England, and settled in the hands of parliament; two years after, it was vested in those of the protector.

By an order of the council of state for England, the government of Rhode Island was suspended; but the colonists, taking advantage of the distraction which soon after ensued in England, resumed its government, and continued without interruption till the restoration.

This year is noted for the first coinage in the English colonies. A mint being established in Boston, the money coined was in pieces of one pound, six shillings and three pence.

The law enacted, that the legend, Massachusetts, and a tree in the centre, be on one side of the coin, and New England, the year of our Lord, and the figures XX, VI, and III, according to the value of the piece, be on the other side; the date, 1652, was never altered

although more coin was stamped annually, for thirty years.

This year was executed, at Hartford, in Connecticut, Mrs. Greensmith, the first witch heard of in North America : she was accused, in the indictment, of practising evil things on the body of Ann Cole, which did not appear to be true. The Rev. Mr. Stone and other ministers, swore that Mrs. Greensmith had confessed to them, that the devil had had carnal knowledge of her. The court then ordered her to be hanged on the indictment.

Sir William Berkely representing, that he had been prevented, by the war between the protector and the Dutch, from leaving the colony, and the time allowed him to stay, by the articles of capitulation, having expired, a delay of eight months was allowed him by the general assembly.

The settlement on Albemarle sound continued to increase ; and in 1653, the legislature of Virginia, on the application of Roger Greene and others, inhabitants of Nansemond river, ordered, that ten thousand acres of land, be granted to the first one hundred individuals, who might settle on Moratuck or Roanoke rivers, and on the south side of Chowan river and its branches. It was required they should settle by each other, and be supplied with arms and ammunition. One hundred acres were granted to Greene, next to those formerly granted, as a reward.

In the year 1654, Edward Digges succeeded Richard Bennett, as governor of Virginia.

Preparations were made, this year, in New England, for the conquest of the settlement on Manhattan island and Hudson river, from the Dutch. But, Oliver

Cromwell, desirous that the two sister republics might be well together, made a sudden peace, which put an end to the hostile intentions of New England, and left the Dutch, for a few years longer, in possession of New Netherlands.

Colonel Woods, who dwelt at the falls of James river, sent suitable persons, on a journey of discovery to the westward; they crossed the Allegheny mountains, and reached the banks of the Ohio, and other rivers emptying into the Mississippi. ? Howing

Towards the close of this year, the protector sent vice-admiral Penn, with a fleet of thirty sail, on board of which was a considerable number of land forces, under general Venables, to take the island of Jamaica. After taking a reinforcement of three thousand five hundred soldiers, in the island of Barbadoes, the fleet arrived before Jamaica on the 13th of April, and soon after began the attack; but the Spaniards made so rigorous a defence, that the general was obliged to re-imbark his men. The army landed before, and began the siege of St. Yago de la Vega, the capital of this island; on the 2d of May, on the fall of the city, the whole island was reduced, and annexed to the dominions of England, of which it has to this day made a part.

The Dutch now drove away the Swedes, from their possession on the Delaware, which was added to New Netherlands. It will be remembered, that the Swedes had first landed on the banks of the Delaware, in the year 1627. During a period of about thirty years, they extended their settlements along the shore, as high up as the spot, on which the town of New Castle now stands; there they had a fort, called fort Casimir, the name of which, the Dutch altered to Ninser Amstel; they had

another fort, called fort Christina, on the stream which to this day retains that name.

The city of New Amsterdam (now New York) was in the following year, laid out into streets, on the original plan, which has since been improved to so great an advantage.

Governor Digges was succeeded in the chief magistracy of the colony, in the year 1656, by Samuel Mathews. The new governor did not long hold the reins. He was, soon after his election, requested to join his two predecessors, who had been sent to England, as agents of the colony, to solicit the ratification by the protector, of the articles on which Virginia had been surrendered, as well as a favorable settlement of a dispute respecting boundaries, which had for several years, existed between the colonies of Maryland and Virginia, to remove unfavorable impressions, which the mind of the protector had received, on account of her protracted attachment to the royal cause; and a report which prevailed in England, that she supported lord Baltimore against the interests and the wishes of the people; a report which derived credit from the circumstance of Philip Calvert, the governor of Maryland, having found an asylum in Virginia, when expelled from his government, during the insurrection headed by William Clayborne, in 1645.

After the departure of governor Mathews, the powers of government devolved on the president of the council.

The adventurers from New England, who had meditated a removal, and settlement on Hudson river, being disappointed by the late peace with Holland, turned their views towards the southward, and came to cape Fear

river, on the shores of which, they established grazing farms; the country affording, in their judgment, a plentiful winter pasture for cattle. The protector made an unsuccessful attempt to induce these people to settle still more southerly, and increase the population of Jamaica, lately added to the dominions of England.

But, the lands affording no encouragement to agriculture, and the settlers not finding the convenience of a fishery, to which they had been accustomed in New England, they soon grew tired of their new abode: they imprudently neglected to secure the good will of the Indians. The settlement did not thrive; and, although it afterwards received some aid from the legislature of Massachusetts, it subsisted but a few years.

Cromwell granted, under the great seal of England, to Charles St. Etienne, William Crown, and Thomas Temple, for ever, the territory called Acadia, and part of the country, commonly called Nova Scotia, extending along the coast of Pentagoet, to the river St. George; it was erected into a province independent of New England, and the grantees were appointed as hereditary governors.

An insurrection was raised in Maryland, by Fendal, a man of a restless disposition. It greatly distressed the province.

During the government of the commonwealth, in order to punish the inhabitants of Barbadoes, for their attachment to Charles I. and for resisting its force and authorities, in 1651, and also to distress the Dutch, who carried on a lucrative trade with the colony, the parliament resolved to alter the whole system of commerce of Barbadoes, by prohibiting all foreign ships from trading with the English plantations, and not suf-

fering any goods to be imported into England, but in English bottoms, or in ships of the European nations, of which the merchandise imported was the genuine produce and manufacture.

The affairs of Maryland continuing in a distracted state, the government of that province was surrendered, by the commissioners of the protector, to Fendal, who had been appointed governor by the proprietor.

Under the government of administrators, appointed by the protector, the colony of Virginia enjoyed, during seven years, an uninterrupted repose and tranquility. It afforded shelter to a number of partizans of the royal cause, who imagined it unsafe to stay in England. Sir William Berkely, (the last of the royal governors) had been allowed to remain unmolested on his estate. His mild and upright administration, his honest and candid conduct, during the late struggle of the royal cause, and his retired, and general life since, had rendered him the idol of the friends of the king, without rendering him suspicious to the republicans; and governor Mathews dying, in the year 1659, Sir William was requested to re-assume the reins of government. This he declined to do, unless he was permitted to act under the commission he had received from his exiled sovereign. His offer being accepted, he caused Charles II. to be proclaimed king of Virginia; and one of the first acts of his administration was to issue writs of election for the legislature to meet on the 12th of March, 1660; but he was afterwards induced to prorogue it, and in the latter part of the summer, accounts reached the province, that his example had been followed by the metropolis, and that the sovereign, to whose obedience the Virginians had returned, had been proclaimed in England, on the 29th

of May, and had made his public entry in the city of London, on the 9th of June.

Although, under the commonwealth, the English colonies in America, acquired considerable population and wealth, the island of Jamaica, is the only addition made to their number, during that period.

The legislature of Virginia, having passed laws unfavorable to the Quakers, a number of whom had fled thither, from the persecuting spirit of New England, many families sought an asylum on Albemarle sound.

Smith—Stith—Beverly—Keith—Marshall.

CHAPTER VII.

At the first session of parliament, after the restoration of Charles II. to the throne of England, was passed a statute, famous in the English annals, and particularly affecting the American provinces. It is the 12 Charles II. c. 18, commonly called the navigation act.

Its bases are those of the statute of 1657: it forbids the importation and exportation of any commodity into or from any of the king's dominions in Asia, Africa or America, except in vessels built in England or its plantations, of which the master and three fourths of the crew must be English subjects, under pain of forfeiting the ship and cargo. Aliens are forbidden to exercise the occupation of a merchant or factor, in any of these places, under the penalty of forfeiting their goods and chattels: sugar, tobacco, cotton, wool, indigo, ginger and dyewood, of the growth or manufacture of the English colonies, are forbidden to be exported to any country but England, Ireland, Wales or Berwick upon Tweed; and, as some return for these restrictions, the act secures to the colonies the monopoly of the tobacco trade, by prohibiting the planting of it in England, Ireland, Wales, Jersey, Guernsey and Berwick upon Tweed.

While parliament thus early attended to the affairs of the colonies, the king lost no time in forwarding instructions to governor Berkely: he required him to call an assembly as early as possible, and to demand, in his name, a repeal of all acts, passed during the rebellion, that derogated from the dependence and obedience of the colony on and to the king and parliament of England; authorizing him to give assurance of the royal intention, and this being done, to grant a general pardon and oblivion, without any other exception than that of persons attainted by act of parliament.

Governor Berkely was at the same time required to send over a statement of every shipment of tobacco from his province, in order that evasions of the navigation act might be detected and punished. The establishment of iron works, in the colonies, does not appear at that time to have been considered as injurious to the mother country; for it appears that the governor was consulted on the practicability of erecting one, at the expense of the king.

The legislature met at Jamestown on the 12th of March, 1661. The speech from the chair, and the answer to it, proclaimed and echoed unqualified professions of loyalty. A legislative revisal of all the colonial statutes was the earliest and chief work of this session: in the preamble, the intention is avowed of repealing and expunging all unnecessary acts, but more particularly "such as might keep in memory their forced deviation from his majesty's obedience." The most of that body, who used these expressions, were persons who, till a very

short time before, had been lavish of the most fulsome assurances of unbounded attachment, and the most respectful submission, to the protector, and of their intended support of the republican government. Their present declarations might be held up, when contrasted with their former professions, as an example of the facility with which the sentiments of mankind accommodate themselves to circumstances, if a late event in France had not afforded a more prominent one.

The law of England, which had till now by implied consent been considered as the rule of action in the colony, was now expressly declared to be in full force, except in such cases only, in which local circumstances rendered them inapplicable.

A charter granted by parliament, during the protectorate, to the society for spreading the gospel among the Indians on the continent of North America, being vacated by the restoration, colonel Beddingfield, a Roman Catholic officer in the king's army, of whom a considerable part of the land had been purchased, seized it for his own use, pretending he had sold it below its value, in hopes to recover it, upon the king's return. In order to defeat his design, the society solicited a new charter, which they obtained by the interest of the lord chancellor: it bears date the 7th of February, in the fourteenth year of the king's reign, and differs but little from the former one. Robert Boyle was their first governor: they afterwards recovered colonel Beddingfield's land.

The colony of Massachusetts was not so early as that of Virginia, in returning to the king's obe-

dience: even after official accounts had reached Boston, of his restoration, the people continued unwilling to recognize his authority. However, in the course of this year, the governor called the general court, and the form of a proclamation was agreed upon, by which Charles was acknowledged as their sovereign, and proclaimed as "the lawful king of Great Britain, France and Ireland, and all other countries thereunto belonging." From an order published by the court before the proclamation, "forbidding all disorderly behavior on the occasion, and declaring that no persons might expect indulgence for the breach of any law," and forbidding in a particular manner "that any man should presume to drink his majesty's health, which he had in a special manner forbid," it would seem, that the people of New England were less loyal or less versatile, than those of Virginia; at all events, that there were many among them who, far from being ready to shape their conduct and alter their professions with the circumstances, were too much attached to their principles, tamely to allow the noisy exultations of the successful party, and that they were a sufficiently numerous and respectable body to command some respect for their feelings.

In the following year, the people of Connecticut obtained from the crown a charter, vesting them with such ample privileges, that more than a century after, when they declared themselves independent, it was thought quite unnecessary to establish the rights of the people on a firmer basis; and time has not yet shown that necessity. This instrument bears date the 20th of April, 1662.

The authority of lord Baltimore, over the province of Maryland, being re-established by the restoration, he sent over Charles Calvert, his eldest son, to govern it. This gentleman met with no difficulty in assuming the reins of government. The first legislature, after his arrival, passed an act for coining money: it was enacted, that it should be of as good silver as English sterling; that every shilling, and so in proportion for other pieces, should weigh at least nine pence in such silver, and that the proprietor should accept of it in payment of his rent and other debts. This law and that of Massachusetts, in 1652, are the only ones of the kind that are to be found among the legislative acts of the English American colonies before the revolution. The plantations of this province were now extended as far as cape Henlopen, from which the Dutch had lately retired.

The legislature of Virginia met in the month of March. The principal object, attained by the governor at this session, was the establishment of the church of England, by legislative authority, in the colony; an object which the king, in his instructions, had strongly recommended. Provision was made for building churches, laying out glebes, and the appointment of vestries; power was given to the governor to induct ministers already ordained, and all others were forbidden to preach.

Father Feijoo, in his *Theatro Critico*, has recorded the tremendous effects of an earthquake, which was in 1663 felt in Canada and almost every part of the northern continent; in a space of twelve hundred miles, several mountains shook one against

the other; some were torn from their seats and precipitated into the river St. Lawrence; others sunk in deep crevasses, which were made in several places. A very large and rocky one, occupying upwards of two miles, sunk, leaving in its place a wide and extensive plain: lakes were formed on the spot where high and inaccessible mountains had hitherto stood.

Sir Robert Heath's grant of land, to the southward of Virginia, perhaps the most extensive possession ever owned by an individual, remained for a long time almost absolutely waste and uncultivated. This vast extent of territory occupied all the country between the 30th and 36th degrees of northern latitude, which embraces the present states of North and South Carolina, Georgia, Tennessee, Mississippi and, with very little exceptions, the whole state of Louisiana and the territory of East and West Florida, a considerable part of the state of Missouri, the Mexican provinces of Texas, Chiuhaha, &c. The grantee had taken possession of the country soon after he had obtained his title, which he afterwards had conveyed to the earl of Arundel. Henry lord Maltravers appears to have obtained some aid from the province of Virginia in 1639, at the desire of Charles I., for the settlement of Carolana, and the country had since become the property of a Dr. Cox; yet, at this time, there were two points only in which incipient English settlements could be discerned; the one on the northern shore of Albemarle sound and the streams that flow into it. The population of it was very thin, and the greatest portion of it was on the

north-east bank of Chowan river. The settlers had come from that part of Virginia now known as the county of Nansemond, which, it has been observed, began to be occupied by the whites as early as the year 1609: they had been joined by a number of Quakers and other sectaries, whom the spirit of intolerance had driven from New England, and some emigrants from Bermudas. Their number, though not great, must have been far from insignificant; for, besides the culture of corn and other grain, necessary to life and the raising of cattle, they made a considerable quantity of tobacco for exportation; a circumstance, which must be presumed from the attempt of the legislature of Virginia, this year, to procure the union of Maryland and Virginia, in a plan then under consideration, on the subject of tobacco, their staple commodity, which, owing to the glut of the markets and its deteriorated quality, had fallen so low in value, as scarcely to furnish clothing for the colonists. The other settlement of the English was at the mouth of Cape Fear river: we have seen that those who composed it, had come thither from New England, in 1659. Their attention was confined to rearing cattle.

It cannot now be ascertained, whether the assignees of Carolana ever surrendered the charter under which it was held, nor whether it was considered as having become vacated or obsolete by non user, or any other means; but, on the 15th of March, the king granted to Edward, earl of Clarendon, George, duke of Albemarle, William, earl of Craven, John, lord Berkely, Anthony, lord Ashley,

Sir George Carteret, Sir John Colleton and Sir William Berkely, the country to the south of the thirty-sixth degree of northern latitude, as far as a line running due west from the river St. Matheo, from sea to sea, in absolute property for ever. The territory was erected into a province, by the name of Carolina, of which the grantees were created lords proprietors, with ample powers to settle the province, and establish a form of government under them.

As soon as the charter issued, the duke of Norfolk and Sir Richard Greenfield's heirs, started a title to the country granted, in the fifth year of Charles I, to Sir Richard Heath; but the king, in council, declared the charter of Sir Robert Heath null and void, and ordered the attorney-general to avoid it, by a writ of quo warranto.

The principal nations of Indians, which occupied the country thus granted, on the eastern side of the Mississippi, were the Tuscaroras and the Creeks, on the sea shore; the Catawbas, Cherokees, the Chickasaws and the Choctaws, in the middle part, and the Natchez, on the Mississippi. Allied to some of these nations, were a considerable number of tribes; the independence of each tribe was marked by its peculiar language, but each, besides its own, spoke that of the allied nation. These tribes were composed of sedentary individuals, or rather were a collection of families, who found their chief support in the waters of the stream on which they dwelt, or from the chase, in some distant spot, secluded from the others by marshes and water courses. Within the country, included by the present limits of the state of which the history is here attempted, the Pasquotanks, Tuteloës, Meherrins, Wopomeaks and Chowanocks, on

the north ; the Hatteras, Coramines, Pamplicoës, Mat-tamuskeets, and Croatans, on the east, the Saras, Neuses, Saponas and Sippahaws, on the south, were the principal tribes. They had large towns, inclosed with huge pallisadoes, and sent several hundred, and some several thousand, warriors to the field ; others, less stationary and numerous, depended for subsistence on the chase, and wandered about, in search of advantageous hunting grounds. The more peaceful, were sometimes disturbed by irruptions from the warlike nations, that dwelt on the northern lakes, even as far as the Simmagons, who dwelt in Canada, and who, while their country was covered with snow, came southerly to prey on the occupants of a softer climate. The Indians from the west side of the Appalachian mountains, even those of the shores of the Mississippi, at times, joined these northern invaders, and the country exhibited in miniature the spectacle which Europe and Asia has witnessed, in the irruptions of the Hunns, the Goths and the Vandals, on the Gauls and the Germans, and the Tartar on the Chinese.

The lords proprietors, having obtained a declaration of the privy council, that considering the present condition of Carolina, all former grants were void, held their first meeting in the month of May, in order to devise measures for the planting of their colony ; they formed a joint stock for the transportation of some colonists, and issued proposals for the encouragement of others ; among other privileges, the proprietors offered, that the emigrants, if in sufficient number, might offer thirteen persons, out of which, a governor and a council of six, should be appointed for three years ; that a grand assembly, composed of the governor, the council, and dele-

gates of freemen, should be called, as soon as the circumstances of the colony would allow, with power to make laws, not contrary to those of England, and liable to be repealed by the proprietors ; that every one should enjoy the most perfect freedom ; that during five years, every new settler should be allowed one hundred acres of land, and fifty for every servant introduced by him into the colony, paying one half penny only an acre ; and that the same freedom from customs, which had been allowed by the royal charter, should be allowed to every one. The province was divided into two counties, the river of Cape Fear being their internal boundary ; the northern was called Albemarle, and the southern Clarendon, in honor of two of the proprietors. Sir William Berkeley, governor of Virginia, who was also one of the proprietors and was then in his government, was desired to visit the settlement in the county of Albemarle, and establish in it a form of government suitable to its situation. His instructions are dated September 8, 1663 ; he was authorized to constitute one or two governors and councils, and other officers, the proprietors reserving to themselves only the appointment of a surveyor and secretary.

A copy was sent him of the proposals of the proprietors, to all that would settle themselves on Cape Fear river, prepared, on the receipt of a paper from persons who desired to settle there, the terms of which were said to be as low as it was possible for the proprietors to descend. These proposals, governor Berkely was informed, were not intended for the meridian of Albemarle county, where it was hoped to find more facile people, who, by his interest, might settle on better terms for the proprietors. The terms there were left to

his management, and an opinion was expressed, that as much land as possible should be granted, rather than deter any settler.

The proprietors stated the information which they had received, that the people, settled in the neighborhood of Chowan river, had bought great tracts of land from the Indians, which it was deemed improper to allow them wholly to retain: as they would probably keep such land in their hands, and so occasion a great distance between the settlements, and destroy or weaken the means of mutual assistance in time of danger; and if they yielded a part of their lands to purchasers, it would likely be on such hard terms as would deter new settlers. Governor Berkely was therefore instructed, to persuade or compel such persons to be satisfied, with such portions, as were allotted to others.

He was authorized to establish two governments, that is, one on each side of Chowan river, from a belief, that individuals, anxious for liberty of conscience, might desire a governor of their own proposing, which those on the opposite side of the river might dislike.

Lastly, he was instructed to procure a vessel, of a small draught of water, to search for an inlet into the sound, through which great ships might come in; and to obtain some account of Charles river.

Several gentlemen of the island of Barbadoes, being dissatisfied with their condition there, and having seen the proposals of the lords proprietors, despatched a vessel to reconnoitre the country, along Cape Fear or Clarendon river, early in the month of September.

Anthony Long, William Hilton, and Peter Fabiau, were intrusted with this expedition; the journal, which they published on their return, is believed to be the

earliest account of Cape Fear river, that ever appeared in print.

On the 29th of September, they reached the continent, in thirty-two degrees twenty minutes of north latitude, and ranged the coast as far as thirty-three degrees eleven minutes, without finding any entrance for their ship to the northward of the thirty-second degree. On the 3d of October, they were overtaken by a violent storm, the wind between north and east; it continued for several days, so that the ship was forced to a considerable distance off the shore, and driven by the rapidity of a strong current to cape Hatteras; on the twelfth, they came to an anchor in seven fathoms of water, and taking the meridian altitude, they found themselves in thirty-three degrees forty-three minutes. The badness of the weather detained them until the sixteenth, when they sailed about fifteen miles, and came to anchor in seven fathoms of water. Several Indians came on board, bringing a large quantity of fish, large mullet, young bass and shad; on the twenty-fourth, they sailed up the river for about twelve miles farther, and rowed up the next day nearly the same distance, where they moored the ship. On the twenty-sixth, they went in the yawl to Necoës, an Indian town; they continued sailing up the river for about ninety miles, and finding the passage much obstructed by fallen trees, and their provisions nearly spent, after viewing the land around them, they reached the ship on the second of November; on the fourth, they went fourteen or fifteen miles up the river, in search of the north-west branch of it, which they called Swampy branch; they sailed on it to the distance of fifteen miles, and returned. On the sixth, they sailed up another branch of the main river,

the mouth of which was near the place where the ship rode ; they called it Green's river, and sailing up to the distance of fifteen miles, they found it divided into two inconsiderable branches ; the land was generally full of marshes and swamps. On their return to the ship, they took a supply of provisions, and sailed up the main river again ; on the fourth day, they came to a place, where the river was narrowed by two islands in the middle of it ; it was there so crooked and so much obstructed by fallen trees, that they were compelled to proceed on land along the river three or four miles, and found it widening more and more ; they then returned ; the course of the river, as far as they could see, was straight, and its direction towards the north-east ; they judged themselves at the distance of one hundred and fifty miles from the mouth of the river ; the land on both shores appeared rich, very level, and covered with tall grass ; the banks were steep, and in some places very high ; the woods were full of deer, conies, turkeys, partridges, cranes, ducks, teals, pigeons and paroquets. The timber consisted chiefly of oak, some of which were from twelve to eighteen feet, and even twenty-four feet high, below the first limbs ; large cypress were abundant ; walnut, birch, beech, maple, ash, bay, willow, elder and holly, were found in the upper part of the country, and in the lower innumerable pines, tall and fit for masts and boards, for the most part in barren and sandy soil, but in some places up the river, in good ground, mixed among the oak and other timber, mulberry trees and grape vines were found in quantity. On the north-west side of the river, they viewed a large tract, extending to the distance of several miles, without any tree, except a few scattered oak : it was covered

with luxuriant grass, which rose to the height of a man's waist, and in many places to that of his shoulder; it abounded in deer and turkeys; they named it stag park. Proceeding downwards, they came to another remarkable place, on the same side as the former, which it appeared to join; the uncommon circumstance, of its abounding with rock, stone, and pebbles, induced the adventurers to give it the name of Rocky Point, an appellation which it, at this day, still retains; they judged the distance from this spot to the mouth of the river to be about seventy-five miles. On the twenty-third, they came to a place on the same side of the river, about six miles lower, which from the great quantity of wild turkeys they saw about it, they called Turkey Quarters. The land along the river was high and rich, but at the distance of two miles from the shore sandy and barren, bearing only pine trees. Going down the river, they stopped, after rowing eight or nine miles, on a rich tract, covered with valuable timber; the bank of the river being high and steep, they named the place Highland Point. As they proceeded downwards, the country appeared full of meadows, and still farther on the banks of the river, were large marshes, on the back of which were some good pasture land, but generally sandy barrens, covered with innumerable pines. They reached the ship on the seventeenth, and spent a few days in viewing the land around, on both sides of the river: it was for the most part poor.

On the twentieth, they weighed anchor, and proceeded downwards about six miles, and came to anchor opposite to a river, which, after one of the adventurers, was named Hilton river; the land on both shores resembled much that on Green river. On the twenty-

third, they sailed up in the long boat, to the distance of nine miles, and found that the latter river joined the one they were in; sailing higher up, the stream forked, and they took the branch to the larboard, and sailing up eight miles farther, found themselves in Green river again. They did not proceed higher up than about eight miles, when judging themselves at the distance of fifty-four miles west by north from the ship, they returned. As they were rowing down, four Indians came to them in a canoe, and having sold them a few baskets of acorns, returned to the shore; one of them, following the boat along the shore for two or three miles, stopped on the top of a high bank, and as the Englishmen rowed under it, shot an arrow, which grazing the shoulder of one of them, stuck in the upper edge of the boat, but was broke to pieces, the head remaining fast. They immediately rowed to the shore, and leaving four men to keep the boat, the rest ran up the bank, in quest of the Indian. They were some time without hearing or seeing any body, at last, they heard several voices singing at a distance in the woods, which they took for a challenge. As they were advancing, they were called back to their boat, by the report of two muskets. The men, under whose care it was left, had fired on an Indian, whom they had seen creeping along the bank, with apparently hostile intentions. They had, however, missed him, and he had sought his safety in flight. While an account was giving of this circumstance, two Indians approached, hollowing bonny, bonny; they had bows and arrows, which they willingly exchanged for a few beads. The head of the arrow, which still remained fast in the boat, was pointed out to them; they manifested great concern, and disowned any knowledge of the accident;

they soon after went away, and the English marked a tree on the top of the bank, and named the place Mount Strong. The banks of the river were of clay, and in some part of marl, and the land was not inferior to that on the other river. They judged the one they were in came from higher up in the country, from the greater rapidity of the current, and the quantity of drift wood carried down the stream. On their way to the ship, they saw several spots of ground cleared by the Indians, and planted with corn; the trees stood up, being only barked around in the lower extremity, so as to kill them. The corn stalks, notwithstanding the fields were much shadowed by the timber, were very tall. Proceeding still downwards, they reached another Indian plantation, on which they landed, and were hospitably received; after purchasing acorns and corn, they went on, and having proceeded about six miles, they perceived an Indian, peeping over a high bank; they presented a musket at him, calling out *skerry*; whereupon, a number of Indians made their appearance, crying out *bonny*, *bonny*, and making signs of friendship; they ran downwards along the shore, before the boat, endeavoring to persuade the white people to land; these, however, kept their guns presented, crying out *skerry*: The natives, perceiving their attempts to induce the whites to approach the shore unavailing, two of them got into a large canoe and advanced towards the boat, one of them paddling with a large cane, and the other with his hands; they with difficulty reached the boat, and laid hold of her fenders and clewing, and at last succeeded in persuading the persons on board to come ashore. The adventurers were met, on their landing, by a party of near forty lusty Indians, who came running on, crying *bonny*.

The head of the arrow was pointed out to them, on the side of the boat ; one of them made a long speech, and threw beads into her, in token of friendship, and gave the white people to understand, that when he heard of the insult they had received, he had felt great grief, and shed tears, and had come with his people to make peace with them ; that if they could discover the offender, they would tie his hands and cut off his head ; and as a testimonial of their love and good will to the adventurers, two tall and handsome young Indian women were presented to them : they appeared to be the chief's daughters, or persons of high rank in the nation, manifested no reluctance at their being thus tendered as a peace offering, and very willingly entered the boat. Valuable as this gift was, the time at which, and the number of persons to whom, it was made, imperiously required the return of it to the donors ; one of them with difficulty consented to leave the boat ; at last, they were both dismissed, with a small present of beads. A few hatchets were presented to the chief, and such of the Indians whose appearances pointed them out as standing next in rank ; and they departed, after promising to come down and visit the whites, on board of their ship.

The adventurers named this spot Mount Bonny, in token of the peace thus concluded, and reached the ship on the twenty-sixth.

On the next day, they weighed anchor and came down to an island (Cram island,) within twelve miles from the sea, and on the first day of December, the Indians came on board, according to promise ; they were in great number ; and at this meeting, Wat Coosa, their king, and his chieftains, sold to the adventurers the river and land of Cape Fear.

They went to view the land about the cape; it appeared quite sandy and barren, some low and shrubby trees scattered in many places, grass and rushes growing in others, but the most covered with clear sand. There were some cattle, left by the people from New England, in the care of the Indians, to be fattened: the spot appeared much fitter to starve them. Yet the Indians, dwelling around the cape, did not allow these animals to go higher up to better pasture grounds, lest the reward they received from the owners of the cattle, should be shared by other Indians. On a high post, on the sea shore, was nailed a writing, describing the land on the river as miserably poor: it had been placed there by the people from New England: another, more correctly descriptive, was substituted.

The colony from Massachusetts was settled on Charles river, that is, the stream now called Oldtown Creek. They had settled in 1660, and deserted their habitations in 1663.

The Indians brought several times, to the ship, good and fat beef, and some swine, with very good salt, which they said was obtained in the country.

The ship sailed for Barbadoes on the fourth of December, and on the sixth of February anchored in Carlisle bay.

Pleased with the accounts which they received, the persons at whose charge the ship had been sent, determined to remove to Cape Fear, and according to the proposals of the lords proprietors, the names of thirteen persons were forwarded them, out of which they were requested to choose a governor and council.

In the fall, governor Berkely, at the request of the lords proprietors, visited the county of Albemarle, and

James?
James. appointed George Drummond, a man of prudence and fidelity, governor of it. He sent commissions to other gentlemen, to fill the offices of assistants or counsellors, judges and justices of the peace, and departed, after having taken measures for the proper administration of a provisional government.

This year was granted by the king, the charter of the province of Rhode Island and the Providence Plantations. It differed but little from that of the province of Connecticut, and like it, was thought, after the declaration of independence, so completely to define and protect the rights of the people, as to render it useless to frame a constitution.

On the twelfth of March, 1664, the duke of York obtained from his brother a patent for various and extensive tracts of land, covering the country now known as the states of New York, New Jersey, Pennsylvania and Delaware; and on the twelfth of June, he conveyed to John Berkely, baron of Stratton, and Sir George Carteret, of Saltrenn, in Dover, two of the proprietors of the province of Carolina, a portion of this vast territory, which was erected into a province, by the name of New-Jersey, in honor of Sir George, whose family came from the island of Jersey. Three inhabitants of Long Island removed this year into the new province, to the spot, on which the first town of New Jersey was built, and in compliment to Sir George's lady, it was called Elizabethtown.

In the summer, commodore Nichols, with four frigates and three hundred soldiers, sailed from England for the reduction of New Netherlands. On their anchoring before the fort, Stuyvesant, the Dutch governor, sent a letter on board, to require some notice of Nichols'

name is William Drummond
Harris, II 225-226. Act I

intention, and was answered by a summons to surrender. He at first determined on a defence, but soon after, considering his unequal force, offered to treat. On the twenty-seventh of August, a capitulation was signed, by which the fort and town of New Amsterdam were surrendered to the English. The town now, in honor to the Duke of York, changed its name to that of New-York. On the twenty-fourth of September, Fort Orange capitulated also, and the town near it was called Albany, the Scotch title of the duke. On the first of October, the Dutch settlements on the Delaware were taken possession of by the English. Thus were the Dutch driven away from New Netherlands, which they had occupied for about half of a century, and the southern English provinces of Maryland and Virginia, now connected, by an uninterrupted chain of English possessions, to the northernmost part of the English empire in America.

Chalmers—Lawson—Archdale.

CHAPTER VIII.

The English in 1664 took the island^l of St. Lucia, from the French. They were assisted by six hundred Charibee Indians, in seventeen canoes. Two years after, the colony, reduced by epidemical diseases, to eighty-nine individuals, burnt their fort, and abandoned the island.

In the next year, surmising some lands beyond the southern boundary of their province, to be of considerable importance, they solicited from the king, a second charter, which might include them. It was obtained without difficulty. The date of it, is the 13th of June, 1665.

This instrument grants to them, their heirs and assigns, the province of Carolina, within the king's dominions, in America, extending north-eastward, as far as the north end of the Currituck river or inlet, on a straight westerly line, to Wyonoak creek, which lies within, or about, thirty-six degrees and thirty minutes, north latitude, and so west, in a direct line to the South sea; and south and westward, as far as the 29th degree inclusive, and so westward, in a direct line to the South sea.

It invests them with the power of building churches, chapels and oratories, to be dedicated and consecrated,

according to the ecclesiastical law of England, and gives them the right of advowson and patronage.

It creates the grantees, their heirs and assigns, lords proprietors of the province, to be holden in free and common socage, as of the king's manor of Greenwich in Kent, reserving to the crown one fourth part of the gold and silver ore, that may be found within the province, and authorizes them to erect and establish counties, baronies and colonies, cities, towns and manors; to enact constitutions and laws, with the consent of the freemen; imposing penalties, inflicting punishments extending even to the deprivation of any member or life, to grant pardons and reprieves, establish courts of justice, and appoint officers of them. The laws, however, are required to be consonant to reason, and, as much as may be, conformable to those of England.

A temporary power is given to the lords proprietors, to make ordinances, for the preservation of the peace, until the legislative body may be convened.

The king grants license, to any of his subjects, to remove to Carolina, declares such as do, and their children born there, British subjects, allowing them freedom of commerce with England, Ireland, and Scotland, and to export their commodities there and even to foreign ports, paying the accustomed duties; to import into any of the king's dominions, silks, wines, raisins, capers, wax, oil and olives, during the term of seven years, and to export farming utensils free from any duty.

Power is given to the grantees of erecting ports, and levying duties and customs; to confer titles of honor; but it is provided, that such titles shall be differ-

ent from those used in England; the right of erecting fortifications, of levying troops, of mustering and training the inhabitants to arms, to make war by sea and land, and exercise martial law in cases of necessity, is also granted to them.

The province is declared a distinct government, mediately dependent on the crown. The inhabitants are released from any obligation of conformity to the church of England, or taking any test oath, and a free toleration, in religious matters, is granted.

The lords proprietors now made constant, although not very successful, efforts to induce individuals of all ranks, to migrate to their province. For this purpose, they appointed agents in Ireland, Scotland, and the colonies in the West Indies, on the continent, and in the island of Bermudas. A number of people left that island, and settled on Pasquotank river, where they applied themselves chiefly to ship building. The few planters, who had settled on the shore of Chowan river, were now joined by emigrants from New England.

The lords proprietors made choice of John Yeamans, among the persons proposed by the planters of Barbadoes, who intended to remove to the county of Clarendon, and appointed him governor of it. This gentleman, being then in England, was knighted on the occasion, and the king made the colony a present of twelve pieces of ordnance, and some warlike stores.

In the latter part of the year, Sir John Yeamans led from Barbadoes a body of emigrants, and began a settlement on the southern shore of Cape Fear river: he laid out a town, which, in honor of the king, he called Charleston. The spot, which was thus dignified, is not at this day to be determined. Lawson, in his map of

Carolina, has preserved the name of Charleston, and it is imagined, from the place it occupies on this map, that the town stood not far from, if not upon, a stream, now in the county of Brunswick, called Oldtown creek; perhaps at the confluence of it and the river,

Governor Yeamans was more successful than the people of New England, who had preceded him thither, in cultivating the good will of the Indians, from whom his colonists derived considerable assistance in clearing and planting the land. The vessels, that had brought the adventurers, were, in a short time, loaded with lumber, and soon returned to fetch new adventurers, and a farther supply of provisions; thus an advantageous commerce was established, between the county of Clarendon and the island, which had spared it its first inhabitants. The favorable reports, which the islanders received from their friends on the continent, induced new adventurers to follow the first. The merchants, induced by the profits which the first expedition had given, made frequent shipments, and the success of the lords proprietors' agents, in that island, in procuring colonists, was so great, that the legislature of Barbadoes interposed its authority, and forbade, under severe penalties, *the spiriting people off the island*.

The emigrants from Barbadoes had purchased from the Indians, a tract of land thirty-two miles square, for which they now solicited a grant from the lords proprietors, with a charter of incorporation. Although this was refused, they obtained liberal grants of land, and every other reasonable indulgence. A county was then established, which was called Clarendon.

The lords proprietors, desirous of obtaining a more accurate knowledge of their province, fitted out a ship

and sent William Sayle, to explore the coast of Carolina. On his way, Sayle was driven, in a storm, on St. Salvador, one of the Bahama islands, and the one on which Christopher Columbus first landed in America. He staid some time on this island, to refit his ship, and visited the neighboring one; and next proceeded to Carolina, and surveyed the coast, entering the rivers and making astronomical observations, in various points.

On his return, the lords proprietors were, from his account, induced to solicit a grant of the Bahama islands, and the king gave them a patent, for all those islands between the twenty-second and twenty-fourth degrees of north latitude.

The year 1667, is remarkable for the pacification of Breda. By the treaty of peace with the Dutch, New Netherlands was confirmed to the English, and Surinam, which had lately been taken from the Dutch, was ceded to them in return, the English planters in Surinam, principally removing to Jamaica. Their number at the time of this evacuation, amounted to about fifteen hundred, besides their families.

Legislative countenance was this year, for the first time, given to the transportation of malefactors to America. By the 18 Charles II. c. 3, power was given to judges of assizes, commissioners of oyer and terminer and general jail delivery, to order persons convicted of theft and rapine, on the northern borders of England, to be transported into any of the king's dominions, in America.

In October, governor Drummond was succeeded by Samuel Stephens, who was authorized to grant land, with the concurrence of the council, returning to the lords proprietors one half of the gold and silver ore. A constitution was given, at the same time, to the

colony of Albemarle. The governor was to act with the advice of a council of twelve, the one half of whom he was authorised to appoint, the other half was to be chosen by the assembly. The assembly was composed of the governor, the council, and twelve delegates, chosen by the freeholders. Governor Stephens' commission bears date in October, 1667.

The first legislature met in this year, or early in the next; Chalmers says, in 1669; but their meeting is mentioned in an authentic instrument of the lords proprietors of the first of May, 1668. The laws enacted exhibit strong evidence of the temper, manners and opinions of the colonists. To induce migration, an asylum was offered to dishonest debtors; and suits, for any debt created out of the country, were prohibited for five years; the acceptance of any power of attorney, to demand the payment of them, was forbidden; and with a view to promote population by some more natural means, it was provided, that "as people might wish to marry, and there being no minister in the settlement, that none might be hindered from so necessary a work, for the preservation of mankind, any man and woman, carrying before the governor, or any member of the council, a few of their neighbors, and declaring their mutual consent, were to be declared man and wife." A limited exemption from taxes was granted to new settlers; and dealers from abroad were prohibited from coming into the country, or among the neighboring tribes, to traffic with the Indians. With a view to retain adventurers, the right to a certain quantity of land, which was acquired by migration, was declared not to be the subject of conveyance, till the transferee had remained two years in the country. A tax of thirty pounds of tobacco, on every

law suit, was laid, as a provision for the payment of the expenses of the governor and council, during the session of the legislature.

These laws were transmitted for, and received the approbation of the lords proprietors ; for it seems they had reserved to themselves a veto, on the laws of the province; they remained in force upwards of one half of a century, and were confirmed in the year 1715, and are the six first chapters among the acts of the session of that year.

The assembly transmitted a petition to the lords proprietors, in order to obtain, that the inhabitants of the county of Albemarle might hold their lands, upon the same tenure as the inhabitants of Virginia held theirs ; and on the 1st of May, 1668, their lordships, by an instrument, called the great deed of grant, directed governor Stephens to grant land to such persons as should come into the colony of Albemarle, to plant and inhabit it, to be holden of their lordships, on the same terms and conditions as lands were, at the time, especially granted in Virginia.

The county was at this period in a very thriving condition ; a considerable quantity of tobacco was raised ; provisions were very abundant ; many of the inhabitants were engaged in ship building ; vessels from the West Indies came to procure lumber ; and a number of traders from New England, visiting the settlement during the winter, ministered to the wants of the people, and carried away whatever they had to spare.

The negotiations for peace, between England and France, which began in 1667, were not concluded till the following year. France yielded to England, all her rights in the island of St. Christopher, together with the

islands of Antigua and Montserrat, and England yielded up Acadia to France, generally, without any specification of limits, and particularly, Pentagoet, St. John, Port Royal, La Haive and cape Sable, lying within it.

Before this, no mention is made, in any treaty between England and Spain, of America. Spain being contented to keep up her ancient claim to that country, and England, careful to keep and improve the footing she had already gained on it, a general treaty of commerce was concluded between England and Spain, relating to the interests of both kingdoms, in Europe and America.

It was stipulated, that Spanish and British vessels, in their respective states, should not be visited by the judges of contraband, nor by any other person whatever. No officer or soldier be put on board till the captain shall have entered his goods, and declared his intention to land. This article was stated as a stipulation, freeing British vessels from the visits of guard a castes. It is evident, it relates only to places, where they might lawfully trade.

Lord Willoughby, governor of Barbadoes, sent forces to St. Vincent and Dominica, and subduing the Caribbea Indians, added these two islands to the dominion of England.

On the 2d of May, 1669, the king granted to prince Rupert, and several lords, knights and merchants associated with him, a charter, incorporating them as "the governor and company of adventurers trading from England to Hudson's bay," and ceding to them the whole trade of the waters within the entrance of Hudson's straits and the adjacent territories.

The lords proprietors, unsatisfied with any system that had been hitherto imagined, for the government of their province, made application to the celebrated John Locke, for the form of a constitution, suited to the situation and temper of the colonists, and yet "agreeable to the monarchy of which Carolina was a part, and which might avoid making too numerous a democracy." This philosopher, endeavoring to carry the intentions of his employers into effect, compiled, and soon after presented for their approbation, a body of fundamental constitutions, which were finally adopted, in the month of July, 1669.

This instrument provides for the election of a palatine from among the lords proprietors, who, presided by this officer, were to constitute a palatine court, entrusted with the exercise of the powers granted to them by this charter. A body of hereditary nobility was to be created, consisting of landgraves and caciques: the former were to be proprietors of at least four baronies, or tracts of land of twelve thousand acres each; the latter of two signories, or tracts of half that quantity of land. Two fifths of the province, laid off into baronies and signories, were to be the portion of the nobility, one third of whom were to be landgraves. The estates of the nobility were to descend, and remain inseparable from the dignity for ever.

The provincial legislative body, dignified with the appellation of parliament, was to be composed of such lords proprietors as might be in the province, and the deputies or proxies of the others, of the landgraves and caciques and of the representatives of the freeholders, chosen in separate districts. These persons were to sit and deliberate together, in the same apartment,

and each individual was to have one vote. The parliament was to be triennial; no proposition was to originate in it, and its deliberations were to be confined to such objects, as were submitted to its consideration by the grand council.

The grand council was to be composed of the lords proprietors. by themselves or proxies, and the land-graves and caciques. It was invested with the executive powers of government.

Various judicatories were instituted, and an infinite number of minucie regulations made.

The church of England was alone to be allowed a public maintenance by law, but all others were to be permitted the exercise of their particular modes of worship, and to levy contributions on their own members, for the support of their ministers.

At the end of every century, the laws enacted in the province were to become void, without the formality of a repeal.

These fundamental constitutions, which consisted of one hundred and twenty articles, were declared to be the sacred and unalterable rules of government in Carolina for ever.

It seems to have been a matter of perfect indifference to him who framed, and those who imposed them, whether the people, who were expected to be governed by them, would find them acceptable; nor was it considered, whether they could be compelled to forego for them the form of government, under which they had settled the desert, and in which they might justly deem they had acquired an interest.

The duke of Albemarle was the first palatine; but he did not long enjoy this dignity. At his death, which

happened on the 3d of January, 1670, it passed to John lord Berkely; and the other proprietors were also appointed to high sounding offices, and the framer of the new form of government was rewarded with a land-graveship.

Governor Stephens was directed to organize the government of the county of Albemarle, according to the new order of things. It does not appear, that a similar application was made at the same time to governor Yeamans, of the county of Clarendon. The people of Albemarle did not relish the innovation; great murmurs were excited by, and much opposition made to it: discontents daily increased, and the governor never completely succeeded in carrying his orders into execution. A rumor prevailed in the settlement, which although without foundation, was not on that account of less mischief: an intended dismemberment of the province was spoken of. An other, and more real cause of complaint existed. The colonists had hitherto disposed of such commodities as they could spare, to the people of New-England, who visited them, while the inclemency of the weather shut their own ports. The proprietors now wished to divert the commerce of this province from this channel and turn it towards England. The small quantity of produce for exportation, which was at any time ready for shipping, the difficulty of the navigation, which precluded the use of large vessels, the inconveniency of procuring West India produce, if the trade with Boston was abandoned, offered obstacles to a direct trade with the metropolis, which the lords proprietors overlooked, but which appeared insurmountable to the colonists.

On the 29th of July, 1669, the lords proprietors appointed William Sayle, governor of that part of Carolina which lies south-westwardly of cape Carteret; they fitted out two ships, on board of which the new governor sailed, accompanied by Joseph West, who was entrusted with the commercial affairs of their lordships, who were for some time the only merchants that supplied the wants of the colonists; they employed vessels to carry on a circuitous traffic, for the purpose of procuring colonists, cattle and provisions, from Virginia, Bermuda and Barbadoes, and of carrying off the inconsiderable produce of their colony. About eight hundred new settlers accompanied governor Sayle, who was amply supplied with provisions, arms, and tools for building and agriculture; he landed at Port Royal, in that part of South Carolina now known as Beaufort district, and soon after issued writs for electing delegates to set in parliament. In order to encourage settlers at Port Royal, one hundred and fifty acres were granted to every one, at an easy quit rent: clothes and provisions were distributed from the stores of the lords proprietors, to those who could not provide for themselves: and to secure the good will of the neighboring tribes, considerable presents were made to the Indian chiefs.

A bloody war between the Westoes and the Serannas; two powerful Indian nations in Carolina, was now carried on with fury, and proved fatal to both: an event which paved the way to the introduction and establishment of the English colony.

The treaty of Madrid, for ascertaining the rights of England and Spain, to certain territories in America, was signed on the 18th of July, 1670: by the seventh article of it, it was stipulated that the king of England

should remain in possession of the territory he had before possessed, in the West India islands and on the continent. Prior to this period, nothing is known to have been done to settle the plantations of England in the new world. "The king of England," it is said, "his heirs and successors, shall have, hold, and possess forever, with full right of sovereign dominion, possession and property, all lands, countries, and dominions whatsoever, which said king and his subjects do, at the present hold and possess, so that in regard thereof, or upon any color or pretence, nothing ought or may ever be urged, or any question or controversy moved, concerning the same hereafter." By the eighth article, it was stipulated, that each party should abstain from the ports, harbors, roads, &c. of the other, but provision is made for hospitality in case of distress.

By the clause of *uti possidetis*, in this treaty, the English gained, in their opinion at least, a confirmation of their logwood trade, and possession upon the bay of Campeachy, several Englishmen having, for some years before, employed themselves in cutting wood in that country, and a number of them having formed an establishment for that purpose, in the lagune de terminos, whence considerable shipments were made to Jamaica and New-England.

Parliament this year extended the powers of the courts, to order the transportation of offenders to any of the king's plantations beyond sea, for seven years, to the cases of persons stealing cloth from the rack, or embezzling the king's stores to the value of twenty shillings. It was made felony for them to return before the expiration of their time of exportation. (22. C. 11. ch. 5.)

In the following year, governor Sayle being dissatisfied with the situation he had chosen at Port Royal, re-

moved northerly to a neck of land between Ashley and Cooper rivers. Deputies, sent by the lords proprietors to aid governor Sayle in his administration, arrived soon after, and brought twenty-three articles of instructions, called temporary agrarian laws, intended for the equal division of land among the people, and the plan of a magnificent town, to be laid out, on the neck of land between Ashley and Cooper rivers, to be called, in honor of the king, Charleston.

Governor Sayle falling a victim to the climate, Sir John Yeamans claimed the chief command, as vice palatine, being the only landgrave or nobleman in the province: but the council called Joseph West thereto, till the pleasure of the proprietors was known, and in August (1671) Sir John received a commission, by which he was appointed governor of the southern county. From that period, there remained but two governments in the province; the authority of governor Yeamans was extended to all the settlements in the province, to the south of Cape Fear river. The country having never been accurately surveyed, it was thought more eligible by the planters on Cape Fear and those at Port Royal, to unite in a settlement on Ashley and Cooper rivers, and the foundation of Charleston was laid. The site of the old town formed, in 1805, part of the plantation of Elias L. Horry; no trace of it was, however, to be seen there, excepting a small bottom running directly across the neck, which is imagined to be the remains of a wide ditch, made to protect the town from the incursions of the Indians. The county of Clarendon lost its name, being divided into four, which, in honor of some of the lords proprietors, were named Berkely, Colleton, Craven and Carteret, and the people, who till now had

been under military government, at this time began to have a constitutional legislature.

The county of Albemarle was at the same time divided into three precincts, the eastern was called Carteret, the middle one Berkely, and the western Shaftesbury, in honor of Anthony Ashley Cooper, lately created earl of Shaftsbury.

The following extract of governor Berkely's answer, in June 1671, to enquiries from the committee of the colonies, is a curious specimen of his loyalty: "We have forty-eight parishes, and our ministers are well paid, and by my consent should be better, if they would pray oftener, and preach less; but, as of all other commodities, so of this, the worst are sent us, and we have few that we can boast of, since the persecution in Cromwell's tyranny drove divers worthy men hither. Yet, I thank God, there are no free schools, and no printing, and I hope we shall not have these hundred years: for learning has brought disobedience, heresy, and sects, into the world, and printing has divulged them, and libels, against the best government."

This year is remarkable, by the discovery of the Mississippi, by father Marquette, a recollect friar, from Canada; he entered it through the river Ouisconsing; his first trip was up the river, as high up as the falls of St. Anthony; and in company with Joliet, a Canadian trader, he descended the river as far as the Arkansas. On his return, he established a mission, having gathered some Indians and Canadians, on the bank of the Illinois river, at a place called the Great Rock, about five leagues above the mouth of the river. This is the origin of the district of the Illinois. The settlement growing numerous, the emigrants disagreed between themselves, and a

colony was settled at Cahokia, on the left bank of the Mississippi, about five leagues below the mouth of the Illinois.

In 1672, William Edmundson, an eminent leader among the Quakers, who had lately arrived from England to America, with the celebrated George Fox, was despatched from Maryland, as his precursor to the county of Albemarle. He crossed the wide wilderness, which separates the county of Albemarle from the settlements of Virginia, accompanied by another man only. They first reached the plantation of one Phelps, a person of his society, who had removed with his family from New England to the precinct of Berkely, and dwelt on Perquiman's river: Phelps' family were greatly rejoiced at their interview, not having seen any leader of this society for several years: this happening on the first day of the week, the neighbors were invited to a religious meeting; a number of them attended, but the pious guests lamented that many of the congregation appeared to have so little regard for decency, on such an occasion, as to set down, smoaking their pipes, during the silent part of the devotional exercises; yet they had to rejoice, that when Edmundson delivered his testimony, "in the authority of truth," several of them were convinced. This is supposed to have been the first meeting of Friends in Carolina, and there is no evidence that it was not the first religious one of Christians. Edmundson held his next meeting at the house of Francis Jones, one of the council, who dwelt on the opposite side of the river, and who, pleased with the doctrine of his visitors, joined the society. Meetings were held, before the departure of Edmundson, in other parts of the precinct of Berkely, and in that of Carteret,

and a quarterly meeting of discipline was established in Berkely, to which the members of the society in the two other precincts were made amenable. The Quakers justly boast, that they are the first body of Christians, who organized a religious government in Carolina.

The maxims of the Spanish government admitting no competition, about what they looked upon as their property in America, the queen regent of Spain published, on the 22d of June, 1672, a royal schedule, purporting that "such as should make any invasion, or trade without license, in any part of the Indies, should be considered as pirates." This schedule was considered by the Spanish officers in America, as inhibiting the English from cutting wood, on the coast of Campeachy, and they began to confiscate all English ships found with that article on board.

Complaints being made in parliament, that the produce and manufactures, of the king's dominions out of Europe, were allowed to be carried from the places of their production and manufacture, to any other part of his dominions thence, without duty, to the great increase of the trade from one plantation to the other; and the colonists not satisfied with being supplied with those commodities, for their own use, free from duty, while the king's subjects in England, paid a high one therefor, brought great quantities of them to Europe, and sold them to the shipping of other nations, to the great hurt of the revenue, and the trade of England; a statute was passed, enacting, that if any vessel, that might legally trade in the plantations, should come to any of them, and take on board any sugar, tobacco, cotton, indigo, ginger, logwood or cocoa nut, without giving a bond for the landing of such commodities in England, Wales or

Berwick, upon Tweed, a duty should be levied and collected here, in the plantations of the commissioners of customs in England, under the direction of the lord treasurer. Tonnage and poundage duty, had been imposed, and extended to every part of the king's dominions, on his coming to the crown; but this is the first instance of the imposition of customs, on the colonies alone, to be levied by colonial revenue officers.

On the 28th of May, war was proclaimed in England, against the Dutch.

The causes of this war were stated to be the nonexecution of the treaty of Breda, concluded in 1667, the refusal of the Dutch, to lower their flag before English ships; the continuance of their fisheries on prohibited coasts; the publication of injurious falsehoods, and of paintings and medals by order of the States general.

In the spring of the following year, the States general fitted out a small armament, under the orders of commodore Binkes, to destroy the commerce of England and America. After having burnt most of the shipping in Virginia, the commodore hearing of the defenceless situation of New York, determined on improving the opportunity of reducing again that province, to the obedience of the States general. On the 30th of July, he reached Staten island, where he was met by an officer, sent by the commander of the fort, who offered to treat for a surrender, and on that very day the Dutch squadron moved under the fort, landed their troops, and took possession of it, without firing a single gun. The city surrendered at the same time, and shortly after, the whole province was under the domination of the Dutch.

The Spanish commander at the fort of St. Augustine, hearing of some dissention in Sir John Yeamans' government, despatched a small armed party, who advanced to, and took possession of the island of St. Helena, dislodging the settlers. Governor Yeamans sent fifty volunteers, under col. Godfrey, who compelled the Spaniards to evacuate the island.

The people of New Jersey refusing to pay quit rents to the proprietors, an attempt was made to compel them, whereupon they took arms, assumed the government, and compelled Philip Carteret, the proprietors' governor, to return to England.

Charles II. attempted to assume the sovereignty of St. Vincents, and the neighbouring island, St. Lucia Dominica and Tobago; great contention prevailed between England and France, till 1748, when, by the treaty of Aix la Chapelle, they were declared neutral.

The population of the Carribean islands, in the possession of England, being greatly increased, they were formed into two distinct governments; the principal officer of the first was directed to reside at Antigua. Besides this island, he had under him those of St. Kitts, Nevis, Montserrat and the Virgin islands. The principal officer of the other, was directed to reside in the island of Barbadoes; besides this, he presided over the islands of St. Lucia, St. Vincent and Dominica.

Martinico being infested with run away negroes, a treaty was made with Francisgel, a negro of Mr. Falerbert's, chief of a band, in which it was stipulated, that he should have his freedom and ten acres of pasture, and that some of his band should be chastised.

A party of Dutch buccaneers, who were settled at Tortola, were driven out by a stronger party, who

called themselves English ; and soon after, Tortola and its dependencies, (the Virgin islands) by a commission granted by Charles II. to Sir William Stapleton, were annexed to the leeward island government. The Dutch had done little towards the cultivation of the island, at the time they were expelled.

Chalmers—Lawson—Archdale—Edwards.

CHAPTER IX.

In the year 1674, governor Yeamans, reduced to a feeble state of health, by the warmth of the climate and his labor for the prosperity of the colony, committed to his care, returned to Barbadoes, where he soon after died. He was succeeded in the government by Joseph West, who, we have seen, was the commercial agent of the lords proprietors. This part of the province had, at this time, its governor and grand council, and the freeholders having now chosen their representatives, the three branches met in parliament, and for the first time legislative acts were passed, which, being afterwards ratified by the lords proprietors, the government was thus organized in this part of Carolina, a little more than five years after the adoption of the constitution proposed by Locke.

About the same time, governor Stephens also died, and the assembly of the county of Albemarle called Cartwright, their speaker, to the chief magistracy "till orders should come from England." The ill humor, which had been excited by the attempt to establish the government modelled by Locke, had not subsided. Governor Stephens had been disappointed in his hopes of executing in this

respect, the orders of the lords proprietors, and the new administration was not more successful.

The lords proprietors sent vines and other useful plants to their province, with persons skilled in the culture of them.

On the 9th of February, a treaty of peace, between England and the States General, was signed at Westminster: by the sixth article, New Netherlands were restored to the English, and Surinam to the Dutch. The duke of York, having obtained a new patent, in order to remove any difficulty, despatched Edmund Andros to receive possession for him. In the month of October, the Dutch troops evacuated the country, and Andros, who was appointed governor for the duke of York, took possession of it, as far as the Delaware.

Philip Carteret, the governor of New Jersey for the proprietors, returned this year, and the people being satisfied with some new arrangements, made in England by the proprietors, submitted to the government.

The year 1675 is remarkable for the commencement of a long and tedious war, commonly called King Philip's war, which during that year, and part of the following, greatly distressed the people of New England, and which did not finish till the death of that chief. Six hundred of the whites were either killed in battle, or murdered by the savages: twelve or thirteen towns, and above six hundred buildings, chiefly dwelling houses, were destroyed. It entailed a tremendous debt on the colonies, while it almost totally destroyed their means of meeting it.

Before this war, the jealousy of the merchants of London, had induced complaints against the people of New England, whose growing commerce began to be viewed with alarm. It was represented at home, that they not only traded to most parts of Europe, but encouraged foreigners to go and traffic with them; that they supplied the other plantations with commodities, which they should receive from England alone; that Boston, having then become the great *entrepot* of the colonies, the navigation of the kingdom was greatly prejudiced, the national revenue impaired, and the people impoverished; that these abuses, at the time that they actually destroyed the trade of England, would leave no sort of dependence of the colonies on the mother country. The governors of the colonies were now charged, strictly to enforce the navigation act, and it was determined that "no Mediterranean pass should be granted to New England, to protect its vessels against the Turks, till it was seen what dependence it would acknowledge on his majesty, or whether his custom house officers would be received, as in the other colonies." This demonstration of the wrath of the parent state, at a moment when the colony smarted under the stings of war, did not depress the spirits of the people of New England. That spirit of resistance, which had begun to manifest itself, continued active, and during the following century vigorously defended, and at the end of that period victoriously asserted, the independence of the people.

While the flames of war were thus raging in the East, a spirit of insurrection awoke in the South.

Nathaniel Bacon, a bold, seditious, and eloquent young man, who had been some time in Virginia, and had already rendered himself remarkable as the fomentor of opposition to governor Berkely, improving the opportunity, which an attack of the Indians on the western settlements presented, offered himself as a leader to the party opposed to Sir William; they chose him for their general, and he headed six hundred of them into Jamestown. With this force, he surrounded the capitol, in which the legislature was in session, and compelled that body to recognize him as the legal commander of the troops under him. He led them out towards the Indians, but on his way was overtaken by a proclamation, issued by the governor after his departure, in which he was denounced as a rebel and a traitor. Roused to indignation, the popular chief marched back to Jamestown. The legislative body was now adjourned, and the aged royal chief, alone and unsupported, deemed it impossible to withstand his opponent, and made a precipitate retreat to the eastern shore, where he called his friends to his aid. Re-animat-ed by the collection of some forces, he advanced with them towards the insurgents. In various skirmishes, each party obtained occasionally some advantage. Bacon's men, exasperated by the opposition, became guilty of those excesses always attending popular commotions: they set fire to Jamestown, laid waste the estates of those who adhered to the governor, and forcibly carried away their women. Forced to retaliate, Sir William ordered court martials to pass on some prisoners he took, and several underwent capital

punishment; the estates of others were confiscated. The two parties were about totally to destroy each other, when Heaven put an end to the dire calamity by the sudden and natural death of Bacon.

When the news of this civil war in Virginia reached England, the ministry thought it prudent to send over troops, to check this incipient spirit of insubordination in America. Sir John Barry was despatched with a small fleet, on board of which was embarked a regiment of infantry. This is the first instance of English troops being sent over to America, to enforce submission to government.

While New England and Virginia were thus distracted by war and internal commotions, the county of Albemarle was far from enjoying perfect tranquility. The dissensions, which the attempt of governor Stephens to establish Locke's form of government, had excited, were not yet allayed, and the temporary and precarious authority which his successor exercised, had proved insufficient for the restoration of order. In the beginning of this year, finding his administration unlikely to be productive of much credit to himself, or advantage to the lords proprietors, he determined on a voyage to England, to lay before them the state of the country, leaving its affairs "in ill order and worse hands."

The lords proprietors, reflecting how much their former instructions had been neglected, and their designs opposed by those who had been entrusted with their execution, flattered themselves with having found in Eastchurch, a man who would carry their views into effect, and appointed him governor of the county of Albemarle in the month of Novem-

ber. His address and abilities had raised him to the office of speaker of the assembly, and he had lately arrived in England, in order to lay the remonstrances of the people before their lordships. The instructions which were given him at his departure, were calculated to allay the present, and to prevent future disorders. Miller, a man of consideration, was sent with him as secretary and collector of the customs. They took their passage on board of a vessel bound to the West Indies: here, the charms of a creole lady for a while held the governor in bondage. The captive sent his companion to rule the people of Albemarle, till the chain that bound him, proved too weak to hold him, or strong enough to enable him to draw the beauty, who had imposed it.

John Barry and Francis Morrison, the king's commissioners sent to Virginia after Bacon's rebellion, in their report of that event, complained that the independent plantations of Maryland and Carolina, then very prejudicial, would in time prove utterly destructive, to the royal interest and government in Virginia, and they proposed that with a salvo to the right of the proprietors, the jurisdiction and power of government might so reside in the crown, that they might be obedient to all orders, rules and process of the king and his council; else, he would not only find that he had given a great deal of land, but so many subjects also; and that the next generation would not know nor own the royal power, if the writs, trials, and process be permitted to continue in the name of the proprietors, without any salvo of allegiance to the king: that it

was daily seen, that not only servants, but also run away negroes and rebels, flew to Carolina or the southward, as their common refuge and lurking place; and when some of the late rebels were demanded by letter, they could not have them sent back.

Miller reached the place of his destination in July, and entered on the duties of president of the council, which his friend had conferred on him, without relinquishing those of secretary and collector of the customs, which he had received from the lords proprietors. He found his government to consist of a few inconsiderable plantations, scattered on the north-east side of Albemarle sound, divided into four precincts. The colonists were far from being numerous: the whole population, consisting of all persons from the age of sixteen to that of sixty, amounting only to fourteen hundred polls, one third of whom were women, Indians, servants and negroes. Besides some cattle and Indian corn, eight hundred hogsheads of tobacco constituted the yearly produce of their labor, and the basis of an inconsiderable traffic, carried on chiefly by the people of New England. These men supplying the settlement with the commodities of Europe and the West Indies, and receiving all its produce, influenced in a considerable degree the affairs of the country, and directed the pursuits of the people to their own advantage. From July till December, Miller collected thirty-three hogsheads of tobacco, and a little more than five thousand dollars, for the duty of one penny sterling on every pound of tobacco exported to the other colonies;

almost all that was made, being exported to Boston, whence it was shipped to Europe. The little revenue accruing to the colony, although badly collected, amounted to something more than twelve thousand dollars a year.

The offices of president and collector, which Miller exercised, in the deranged state of the colony, were not calculated to render him popular. It was his misfortune not to possess any quality, by which this disadvantage could be balanced. The discontent of the people, emboldened by the example of the followers of Bacon, in Virginia, and excited by the counsel of some of those who had removed to Albemarle, and some New England men, increasing daily, rose to such a height that it broke into open rebellion in the precinct of Pasquotank; and Culpepper, a man who had come over to the county of Clarendon with governor Sayle, in 1670, as surveyor general of Carolina, and had raised some commotion on Ashley river, placing himself as the head of the malcontents, in the month of December, and securing the favor of the president, and that of some of the lords proprietors' deputies, entirely prostrated the government of the country.

They complained that the president had denied them a free election of an assembly, and had positively cheated the county of 130,000 weight of tobacco, which had raised the levy to 250 lbs of tobacco a head more than it would otherwise have been; besides nearly 20,000 weight of tobacco; a charge which he had brought on the county by his *piping guard*. They stated that a Capt. Gillam had imported a quantity of goods, more than treble that which he had brought in the preceding year, and, about two hours after his landing, was arrested and

held to bail for one thousand pounds, in an action of slander, and so much ill used and abused by the president, that had he not been persuaded by some, he would have gone directly out of the country: and the same night, at about twelve, the president went on board with a pair of pistols, presenting one of them cocked at a Mr. George Dinant's breast, and with the other hand arrested him as a traitor.

The insurgents, possessing themselves of about twelve thousand dollars, which were found in the fiscal chest, successfully employed them in the prosecution of the revolt, in the other three precincts. They appointed officers, established courts of justice, called a parliament, and during two years undisturbedly exercised all the powers of an independent commonwealth.

They published a manifesto, in which they detailed the grievances which, in their opinion, had justified them in suppressing the government of Miller, and assigned as their principal motive in imprisoning him and some of his council, and in possessing themselves of the records of the county, a desire "that the county might have a parliament, that would represent their grievances to the lords proprietors."

Alarmed at the spirit of insubordination and insurrection, which manifested itself so powerfully, in their colonies on the continent, the English ministry determined on making an experiment in those of the West Indies, and a new system of legislation was adopted for the island of Jamaica, modelled on the Irish constitution. The Earl of Carlisle was sent over for the purpose of enforcing it. A body of laws was prepared in the privy council in England (among which was a bill for settling a perpetual revenue on the crown) which his lordship

was instructed to present to the assembly and to require them to adopt the whole code, without any alteration or amendment. In future, the heads of all bills (money bills excepted) were to be suggested in the first instance by the governor and council, and transmitted to his majesty, to be approved or rejected. On their having obtained the royal confirmation, they were to be returned, under the great seal, in the shape of laws, and passed by the general assembly, which was to be convened for no other purpose than this, and that of voting the usual supplies, unless in consequence of special orders from England.

The assembly rejected the proffered constitution, with great indignation. No threat could frighten, no bribe could corrupt, nor art persuade, them to pass laws that would enslave them and their posterity.

A considerable number of persons went from New England upon a journey of discovery, and proceeded four hundred and fifty miles westward of the Mississippi. The war soon after breaking out between the British colonies and the Indians, many of the latter retreated to Canada. From these Monsieur De la Salle, a French adventurer, obtained information which afterwards enabled the French to possess themselves of the river.

The year 1678 is remarkable for the pacification of Nimeguen. On the third of March, Charles II. signed a treaty of alliance with the States General, in which the treaty of Breda was confirmed.

The statutes relating to transportation were now extended, and it was enacted that should any convicted felon in open court pray to be transported, the court

might order him to prison, for transportation beyond sea. 31 Ch. II. ch. 2, s. 14.

Governor Eastchurch at length arrived; to his commission or conduct no objection could be made. The insurgents, however, denied his authority, and refused obedience to him. He was compelled to solicit some aid from lieutenant governor Chicherly, of Virginia, but died of vexation before any could be obtained.

Charles II. ordered two small vessels to be fitted out at his own expense, to transport to Carolina several foreign protestants, who proposed to raise wine, oil, silk, and other productions of the south.

After two years of successful revolt, the insurgents of the county of Albemarle despatched Culpepper to England to proffer their submission to the lords proprietors; but instructed him to insist on the punishment of Miller, who had found means of making his escape out of their hands. Culpepper found him in England, filling the court with complaints of his sufferings and accusations against his prosecutors, but without success. The lords proprietors accepted the submission of the insurgents; but as their envoy was returning home, after having executed his trust, he was prosecuted by the commissioners of the customs, for having acted as collector of the customs, without their authority, and having embezzled the king's revenue in Carolina; he was arrested on board of a vessel at the Downs, brought back, and at Trinity term, 1680, tried by virtue of the statute of Henry VIII. on an indictment for high treason committed without the realm. 35 H. VIII. ch. 2. The famous lord Shaftsbury, then in the zenith of his popularity, appeared in his behalf, and represented, contrary to the most undoubted facts, "that there never had been any regular

government in the county of Albemarle, that its disorders were only feuds among planters, which could amount only to a riot." He was acquitted, and is the first colonist, who appears to have been regularly tried in the court of the king's bench, upon that statute.

The lords of the committee of the plantations reported to the king that, having heard the complaints of the commissioners of the customs against John Culpepper, and having been attended by the lords proprietors of Carolina, they were fully satisfied, after a thorough investigation of the conduct of that man, that he had by his seditious practices abetted a rebellion in that province, imprisoned seven of the deputies of the proprietors and the collector of the king's customs, and having seized into his own hands the custom of his majesty, had, in a proclamation issued in his own name, declared himself the lawful collector, endamaging the royal revenue to a considerable amount: that these facts were confessed by the delinquent, who solicited a pardon, desiring that, if mercy was not extended to him, he might be tried in the country, where the offence had been committed. But the commissioners of the customs prayed that no favor might be shown to him, unless he made or procured satisfaction for the property used and embezzled, which was said to amount to three thousand pounds.

The lords proprietors, in the mean time, had sent John Harvey, as president of the county of Albemarle, and they prevailed upon Seth Sothel, one of them, who, at the death of lord Clarendon, had purchased his lordship's share in the province, to go over as governor of Carolina, in order by his presence to allay the feuds of, and restore tranquility among, the colonists, He sail-

ed on his intended voyage, but was captured by the Algerines.

The oldest records extant in the state of North Carolina are proceedings of a palatine court, held by president Harvey who came out in 1679 or 1680. It appears to have been a court of probates. The accounts are kept in pounds of tobacco; a negro woman is valued at four thousand five hundred pounds of that commodity, a milch cow at four hundred pounds.

The piece of land, formed by the confluence of Ashley and Cooper rivers, offering a more eligible spot for the chief town of the southern government of Carolina than the one on which Charleston had been built, the lords proprietors yielded to the wishes of the inhabitants, many of whom had begun in the preceding year to remove thither. The foundation of a new town was now laid here, and in the course of year thirty dwelling houses were erected. It received the name of the old town, which was now abandoned, and the new one was declared the port for the various purposes of traffic, and the capital for the general administration of government in that part of the province.

The province of New Hampshire was separated from that of Massachusetts: a commission for the distinct government of that colony being this year brought to Portsmouth. By it, the people had a representation, in a body chosen by themselves, and the king was represented by a governor and council, of his own appointment, and reserved to himself the right of repealing the acts of the legislature at his pleasure.

In the month of March, Monsieur De la Salle, accompanied by Father Hennepin, descended the Ohio and ascended the Mississippi as far as the 46th degree of

north latitude, where they were stopped by a fall, to which they gave the name of St. Anthony.

The ministry in England unable to conquer the stubborn perseverance of the assembly of Jamaica, forbore insisting any longer on establishing the Irish constitution in that island, and on the third of November issued a commission to the earl of Carlisle, containing the power of making laws with the assembly, in the manner which had hitherto prevailed.

A party of Spaniards landed on the island of Providence, one of the Bahama islands, and totally destroyed an English settlement. They took governor Clark, who commanded it, to the island of Cuba, in irons, and put him to death by torture; and Don Philip de Vare-da Villegas arrived in April, 1680, at the island of Trist and the *laguna de terminos*, attacked the English log-wood cutters, while separated from each other, and dislodged them from thence.

Henry Wilkinson was, in the following year, appointed governor of that part of the province of Carolina which lies between that of Virginia and a line drawn at the distance of five miles to the south of Pamlico river. President Harvey, whom he relieved, had com-manded but little regard. He manifested too vindictive a spirit, against those who had been implicated in the late revolt. They were proceeded against with severity, and punished with heavy fines, tedious imprisonment, and some of them with banishment; contrary to the instruction of the lords proprietors, who had recommended great moderation.

The people of New England persevered in their resistance to the act of parliament, establishing a duty on colonial produce. Edward Randolph, who had been appointed

Harvey
succeeded
him

collector of it at Boston, arrived this year, and made a vigorous, but unsuccessful attempt to execute his office.

On the fourth of March, Charles II. granted to William Penn a charter for all the land between the river and bay of Delaware and Lord Baltimore's province of Maryland, erecting it into a province by the name of Pennsylvania, and constituting him and his heirs absolute proprietors of it. He immediately gave public notice of the king's grant, and invited purchasers; and a number of persons, chiefly of the Quaker profession, formed themselves into a company, and bought twenty thousand acres of land in the new province, at the rate of twenty pounds sterling for every thousand acres. On the 11th of July he entered into stipulations with the purchasers and other individuals who desired to remove to Pennsylvania, and in the fall a number of the colonists left England. They reached the new province late in the year, and began a settlement, above the confluence of the Schuylkill with the Delaware.

In the spring, the proprietor published a form of government and laws, which he had made with the consent of the persons in England who had become interested in the province. He obtained from the duke of York a release of his right to the land in Pennsylvania, and a conveyance for the tract which was first known under the appellation of the territories of Pennsylvania, afterwards by the three lower counties of Delaware, and now as the state of Delaware.

On the 24th of October, he landed at Newcastle, attended by about one hundred new settlers. He caused the people in the neighborhood to meet him on the next day, and having received before them legal possession of the province, he made a speech to them, acquainting

them with his views, commenting on the nature and end of government, particularly of that which he meant to establish, assured them of liberty of conscience and civil freedom, and recommended to them to live in sobriety and peace. After renewing the commissions of former magistrates, he proceeded to Upland, the settlement now known as the town of Chester; he there met the general assembly of the province, on the fourth of December. The three lower counties were annexed to the province, and an act of settlement was passed, in reference to the frame of government; the Dutch and Swede inhabitants, and other foreigners in the province, were naturalized, and all the laws agreed on in England, were passed in form.

William Penn immediately after entered into a treaty with the natives, from whom he purchased as much of the soil, as the circumstances of the province called for, and settled a very kind correspondence with them. He immediately after laid out the city of Philadelphia, and, in the course of the year, upwards of eighty houses or cottages were erected in it.

Lord Cardross, a Scotch nobleman, embarked with a number of families of his nation, with whom he began a settlement on the island of Port Royal, in Carolina; but his lordship, in consequence of some arrangement made with the lords proprietors, having claimed separate and co-ordinate authority with governor West of Charleston, was compelled, with circumstances of outrage, to acknowledge his submission and dependence; he soon after returned home.

The spring of the following year is memorable in the annals of the western world, by the descent of Monsieur De la Salle down the Mississippi to the sea, which he

reached on the seventh of April. He took possession of that mighty stream in the name of his sovereign, Louis XIV. of France, in whose honor the country was called Louisiana.

On his way, he stopped on the left bank of the river, and built a fort, within the then chartered limits of North Carolina, near the present town of Memphis, in the state of Tennessee.

✓ Seth Sothel arrived this year in Carolina, and took on himself the government of the northern part of the province, governor Wilkinson having lately died. The new administrator did not find the scene of anarchy altered, neither was he calculated to put a period to it. The instructions of the lords proprietors enjoined him to endeavor, by a mild and humane administration, to reconcile the colonists to order and obedience. The annals of delegated authority have not recorded a name, which deserves more to be transmitted to posterity with infamy, than that of Sothel: bribery, extortion, injustice, rapacity, breach of trust, and disobedience to the laws, are the crimes with which he was charged, while he misruled a miserable colony.

✓ The four precincts on Albemarle Sound, which were hitherto designated by the titles or names of some of the lords proprietors, viz. Shaftsbury, Berkely, &c. were now named by the principal streams that water them, Chowan, Perquimans, Pasquotank and Currituck; appellations which they to this day retain.

✓ Edward Randolph, the collector sent from England for the port of Boston, having written home, that he was in danger of being punished with death, by an accursed law of the province, as a subverter of the constitution, for his attempts to exercise the duties of his office, was

ordered home. On his arrival, he preferred an accusation of high crimes and misdemeanors, against the corporation of Massachusetts, and on the sixth of July an order in council was passed, for issuing process of *quo warranto*, for the dissolution of its charter. This order was however accompanied by a declaration of the king, that if the colony, before prosecution, would submit to his pleasure, he would regulate their charter, for his service and their good, and with no other alterations than such as should be necessary for the support of his government in the province. The proud spirit of New Englandmen could not brook to yield to such terms; it preferred encountering the full effect of the royal wrath. Accordingly, the high court of chancery in England, on the eighteenth of June following, gave judgment for the king, against the governor and company of Massachusetts; their charter was annulled, and their liberties taken in the king's hands. Colonel Kirk was now appointed the royal governor for the colonies of Massachusetts, New Hampshire, Maine and Plymouth.

The French, in order to engross the fur trade, and to check the influence of the English on the Indians, built the fort at Detroit.

Lord Effingham, who was appointed the preceding year governor of the province of Virginia, was instructed by his sovereign to allow no person to use a printing press, on any occasion whatever.

The want of a circulating medium being severely felt in the province of Carolina, its parliament, at the same time "raised the value of foreign coin," and passed an act to suspend the prosecution of all foreign debts; it received the assent of the lords proprietors, but it was afterwards dissented from, because it "was

contrary to the king's honor, since it was in effect to stop the course of justice, and because the parliament had no power to enact a law so contrary to those of England." The lords proprietors ordered all officers to be dismissed, that had promoted that law.

The confederacy of the five nations of Indians, in Canada, had extended its conquests to a vast extent to the south and west, from the shores of the Mississippi to the borders of the western settlements of Maryland and Virginia. These two provinces, often involved in the calamities of their Indian allies, whom they were unable to protect, except by treaties. found it expedient to settle terms of peace with the ferocious conquerors: the governor of Virginia proceeded to Albany, where, with that of New York, he met the deputies of the five nations, and concluded a peace.

In 1685, the bishop of London sent James Blair, as his commissary in Virginia.

On the 16th of February, Charles II. died, and was succeeded by James, duke of York, his brother.

At this period, with the exception of the province of Georgia, which was not established till half a century after, all the colonies, who in the next century seceded from the British empire, and became the United States of America, were already in an advanced state of progressive improvement: the English had besides valuable establishments at Bermudas, and in a number of the West India islands.

The French in Canada made great, but not equal progress; they had settlements to the west, as far as Detroit and Michillimackinac, and had extended of late their discoveries to the gulf of Mexico; they carried

on a considerable commerce among the Indian tribes, who hunted on the banks of the Mississippi. Their progress, however, was considerably checked by the Indians of the five nations, whom the government of the English colonies supported, as a barrier against the encroachments of the French.

The Spaniards had no settlement on the northern continent, except the few forts on the coast of Florida, which for upwards of a century they had kept up, without any agricultural improvements around them.

Although the English colonies might rejoice in their advancing population and wealth, their political sky was not as serene as the natural. We have seen the storm bursting over the northernmost section; thick clouds were gathering over Rhode Island and Connecticut; the people of New York were not yet allowed all the rights of Englishmen; the small colony of New Jersey, divided among two proprietors, was distracted in her councils; Pennsylvania, in the midst of her sisters, in perfect tranquility beheld, unconcerned for her own situation, the clouds that hovered around them. The southern provinces had not recovered from their internal dissensions, and the attacks of the Indians.

The population of Carolina was still very inconsiderable: in the northern part of the province, there were scattered plantations on both sides of Albemarle sound, and the shores of the rivers that empty into it: in the southern part, there were still a few planters on Cape Fear river, but most of the planters from Barbadoes had removed to the shores of Ashley and Cooper rivers, where was now a growing settlement. These, with the habitations of the few Scotch families left by lord Cardross at Port Royal, constituted the whole popula-

tion of the province. The settlement on Ashley and Cooper rivers, had received a small reinforcement by the migration of some Dutch families, on the conquest of the New Netherlands,

Chalmers—History of South Carolina—Edwards.

CHAPTER X.

The death of Charles II. had put a temporary stop to proceedings against the chartered American colonies : but James II. soon found it expedient to renew them. In July, 1685, the administration of the governor and company of Connecticut was complained of, viz : “ they have made laws contrary to the laws of England ; they impose fines on the inhabitants, and convert them to their own use ; they impose an oath of fidelity upon the inhabitants, without administering the oath of supremacy and allegiance, as in their charter is directed ; they deny to the inhabitants the exercise of the religion of the church of England, arbitrarily fining those who refuse to come to their congressional assemblies ; his majesty’s subjects inhabiting there, cannot obtain justice in the courts of the colony ; they discourage and exclude from the government all gentlemen of known loyalty, and keep it in the hands of the independent party in the colony.” In consequence of these charges, James ordered a *quo warranto* to be issued against the charter of Connecticut. The people perceived the king was in earnest, and their alarm manifested itself in humble solicitations for favor. In the month of October, of the same year, a similar process was sued out against the colony of Rhode Island. Colonel Kirk’s commission not having received the royal seal, before the late king’s de-

mise, Joseph Dudley, a native of Massachusetts, was appointed president of New England. The first post office, was established in the colonies, in the year 1685, and Edward Randolph was appointed deputy post-master, for New England.

The Spaniards, at St. Augustine, believing that some late attacks, on their people by the Indians, were owing to the ill conduct of some of the Scotch settlers, left by lord Cardross on the island of Port Royal, invaded that part of the colony and laid it waste.

This year, writs of *quo warranto* were issued, with a view to obtain the forfeitures of the charters of Carolina and New Jersey. The proprietors of the first province, prudently bending before a storm, which it seemed vain to resist, eluded the force of a blast, that had laid the charters and government of New England, in ruins; and offered a treaty of surrender. New Jersey was, not long after, annexed to the government of New England.

The king, intending to establish the same arbitrary rule in New York, as he had designed for New England, deprived that colony of its immunities. Governor Dongan, hitherto the proprietor's, now the royal governor, was instructed not to allow any printing press; the assembly was abolished, and New York reduced to the condition of a conquered province.

On the 20th of December, Sir Edmund Andros, whom the king had appointed governor of New England, arrived at Boston. He was instructed to continue the former laws of the country, so far as they were not inconsistent with his commission and instructions, until other regulations were established by the governor and council; to give universal toleration in religion, and encouragement to the Church of England;

to execute the laws of trade, and prevent frauds in the customs. As it was not imagined that the new order of things would be submitted to, on the part of the colonists, by choice, a small military establishment was formed, and warlike were stores sent over.

In obedience to his instructions, governor Andros, within ten days after his landing, dissolved the government of Rhode Island; broke its seals, and assumed the administration of that province.

A number of French Protestants, driven from their country, by the revocation of the edict of Nantz, which took place the preceding year, arrived in Boston; they were kindly received, and a subscription sat a foot, for the use of those who needed relief; they built a small brick church in School street. The greater part of them, however, soon after sought a milder climate, in the provinces of Virginia and Carolina.

The year 1687, is remarkable for the first plan of an insurrection of the blacks on the continent. It took place in the province of Virginia, and in that part of it which is called the northern neck; it was discovered just in time to prevent its explosion, and lord Effingham averted its consequences, by the early and strict execution of the laws relating to the police of slaves. John Burke believes their number fell little short of one half of the population of that province.

During the month of April, the king's attorney general, in England, sued out a writ of *quo warranto*, against lord Baltimore, the proprietor of Maryland; but no judgment was obtained.

In the month of October, governor Andros, attended by his suite and sixty soldiers, went to Hartford, where the general assembly was in session, and declared the

charter government to be dissolved. The assembly, being called upon to surrender the charter, protracted the discussion that arose, till early candlelight, when, the instrument being brought in and laid on the speaker's table, the lights were instantly extinguished, without any disorder or confusion ensuing; but when the candles were lit, the parchment could not be found. Captain Wadsworth, of Hartford, had silently carried it off, and secreted it in a hollow tree, which, to this day, is regarded with veneration, as the preserver of the constitution of the colony.

Sir Robert Holmes was despatched from England, with a small naval force, and an extraordinary commission, for suppressing pirates in America. The governors of Carolina were instructed to show examples of submission to his power, and to afford every possible assistance to his armament. This project was successful, till new causes, not long after, gave rise to piratical adventurers, which required all the continued energy of William and Mary to suppress.

The French, at this time, made their first attempt at a settlement, on the gulf of Mexico. Monsieur de la Salle had returned to France, in 1683, to carry to his sovereign, the news of his discovery, and taking possession, of the Mississippi, and the country at the mouth of that river. Louis XIV., anxious to secure this new acquisition, despatched a small armament, consisting of four vessels, under la Salle, with one hundred soldiers, some artillery, and a number of settlers. La Salle took the old route by the way of the West Indies; he touched at Hispaniola, and unfortunately missing the mouth of the river he was in quest of, he fell two hundred miles to the westward, in the bay of St. Bernard, which he

called the bay of St. Louis: here he built a fort, and leaving a garrison in it, proceeded easterly, along the coast, in search of the Mississippi; reaching another river, which he mistook for the one he looked for, and built another fort, on its bank. He then sat off for Canada by land, intending to reach it through the river Illinois, and proceeded as far as the settlement of Nacogdoches, in the Spanish province of Texas, in the neighborhood of which, he was murdered by one of his men, on the 27th of March, 1687; the rest of the party continued their route to Quebec. The Indians fell on the men la Salle had left on the sea shore, and destroyed them all, except a few whom they carried away to their villages.

It was thought advisable, in 1687, on several accounts, particularly the extensive progress the French were making in Canada, to appoint one general governor over New England; the submissive application of the people of Connecticut could no further be regarded, than by allowing them their choice, to be annexed to New York or Massachusetts; they preferred the latter; and, accordingly, Sir Edmund Andros having been appointed captain general over all New England, the charter of Connecticut was surrendered to him at Hartford, in October, 1687, and the colony was annexed to Massachusetts, according to the royal promise, through the people's petition; but the very night of the surrender of it, Samuel Wadsworth, of Hartford, with the assistance of a mob, violently broke into the apartments of Sir Edmund, regained, carried off, and hid the charter in the hollow of an elm tree.

In the year 1688, the distractions and commotions, in the northern part of the county of Albemarle, rose

to such a height, that the colonists, almost driven to despair, secured the person of governor Sothel, and imprisoned him, with the view of sending him to England, to answer to the lords proprietors for his crimes; but, yielding to his entreaties, and his offer to submit their mutual accusations to the assembly, they left him at liberty. The general assembly gave judgment against him on all the charges, and compelled him to abjure the country for twelve months, and the government forever.

King James now united the four colonies of New England, and the provinces of New York and New Jersey, under one government, and appointed Sir Edmund Andros captain general and vice admiral, over them, and Francis Nicholson was named his lieutenant. All the powers of government were vested in a governor and council, and the people had no agency in the administration of affairs, nor any vote in the appointment of officers.

The inhabitants of several towns in Massachusetts, refused to make the assessments, without which, the taxes imposed by the grant of the legislative council under governor Andros, could not be collected. The selectmen of Ipswich came to a resolution, "That, inasmuch as it is against the privileges of Englishmen to have money raised without their consent, in an assembly or parliament, therefore, they will petition the king, for the liberty of an assembly, before they make any rates." The governor endeavored to procure obedience by prosecutions, and the judges punished several individuals by heavy fines and long imprisonment. Increase Mather, a respectable clergyman, was sent to England, to represent the grievances of the people of New England to the king.

Early in the following year, accounts of the abdication and departure of the king for France, which had taken place on the 23d of December, reached the continent, and it was rumored that the prince of Orange had, or would soon land in England. Thus, at a time that a revolution was effected at home, the northern colonies gave the parent state the example of another. They had suffered for three years, under a privation of their most valuable rights, and their patience was now exhausted.

Sir Edmund Andros, governor of Massachusetts, imitating the capricious and arbitrary conduct of James, the people could not long brook submission to their sway: having sought in the wilds of America, the secure enjoyment of civil and religious liberty, they were not disposed to see their dearest rights wrested from them, without a struggle to retain them. They had, for several years, suffered the impositions of a tyrannical administration, and the dissatisfaction and indignation which had been gathering was now blown to a flame, by a report of an intended massacre by the governor's guards. On the 18th of May, 1689, the inhabitants of Boston took arms; the people poured in from the country, and the governor, with such of his friends as had been most active, and many other obnoxious persons, were secured and confined. The old magistrates were restored, and the next month the news of the revolution in England, quieted all apprehensions of the consequences of what had been done. Sir Edmund was, however, kept in the castle till the month of February, when he was sent to England for trial, and the general court sent with him a committee of several gentlemen, to substantiate the charges against him.

Most of the members of the council, the principal officers, and the collectors, to the number of about fifty, were likewise seized and confined.

The old magistrates were reinstated ; and calling to their assistance, a number of respectable individuals from the town and county, formed themselves into a "Council for the safety of the people, and the continuation of the peace." On the 24th, the magistrates chosen in 1686, subscribed a declaration of their acceptance of the care in government of the people, until, by directions from England, there might be an orderly settlement of government, and on the 29th, William and Mary were proclaimed, with great ceremony, in Boston. An address was sent to their majesties, and they were besought to allow the exercise of government, according to the charter, till they were pleased to establish a new one. This was acceded to.

The people of Rhode Island, on hearing of the imprisonment of governor Andros, met at Newport on the 1st of May, voted to resume their charter, and called in their former officers.

Robert Treat, who had been elected governor of Connecticut, in 1687, when the charter was surrendered to Sir Edmund Andros, was declared still governor of the province. Intelligence was received of an insurrection and the overthrow of governor Andros, at Boston. The new governor summoned the old assembly, who voted the validity of the charter, and directed Samuel Wadsworth to bring it forth, who, attended by the high sheriff and a concourse of people, carried it to the governor; the general court voted their thanks and twenty shillings to the gentleman, for his care and preservation of the charter.

On receiving information, in New York, of the king's abdication, the principal officers met, in order to consult on the exigencies of the occasion; but, while they were deliberating, Jacob Leisler, at the head of a party of fifty men, took possession of the fort, in the name of the prince of Orange; and in the month of June, William and Mary were proclaimed, and until the arrival of colonel Henry Slaughter, two years after, as royal governor, the province was ruled by a committee of safety, presided by Leisler.

Their majesties were soon after, proclaimed in the other colonies.

Philip Ludwell, of Virginia, who had filled in that province, the office of collector of the customs, and who had suffered for his adherence to governor Berkely, during Bacon's rebellion, came over as governor of the northern part of Carolina.

In the month of November, William Blair was received in Virginia, as commissary of the bishop of London, in the English provinces on the continent. The duties of the commissary were analagous to those of a pope's legate. He was representing in the colonies, the right reverend father of the church, and he made visitations, enquiring into and correcting the discipline of the churches, and acted in all cases with that supreme ecclesiastical authority, exercised by his superior, himself.

The province of Virginia was at that time much distracted, and ready to break out at the slightest irritation, into open revolt; nothing, says John Burk, had hitherto preserved ever the appearance of tranquility; but the revolution in England, and the hopes of redress from a king, elected by the nation, on principles of liberty.

General Codrington compelled the French inhabitants of St. Kitts to surrender, and forced eighteen hundred of them to seek refuge in Martinique and Hispaniola.

The ministers found themselves in a perplexing dilemma: if they condemned Andros' administration, the sentence might be drawn into a precedent, and they might seem to encourage rebellion and insurrection in future periods, when circumstances did not render so desperate an expedient necessary. On the other hand, if they should approve of his administration, and censure the conduct of the colonists, it would imply a reprobation of the very measure, which had been pursued in bringing about the revolution in England. It was, therefore, considered prudent to dismiss the business, without coming to a formal decision: the people were accordingly left in the enjoyment of their freedom, and Sir Edmund, in public estimation guilty, escaped censure. Shortly after, he succeeded lord Effingham, in the government of Virginia, in which his conduct appears to have been correct.

While Louis XIV., in his attempt to support king James, kindled the flames of war in Europe, the count of Frontenac, his governor in Canada, spurred on the Indians to aid him in annoying the English in America. On the 29th of June, a party of Indians came to the town of Sorell, in the province of New Hampshire, and killed or captured about fifty persons. Soon after, they routed the garrison at Oyster river, where they slew more than twenty of the inhabitants. On the 28th of August, they took the fort at Pemaquid, and committed great depredations in the province of Maine. In the mean time, a host of privateers sailed out of Acadia, captured a number of English vessels, and kept the

sea-coast in constant alarm. Nor were these excursions stopped by the severity of the weather. On the 8th of February, 1690, the enemy fell on, and committed great slaughter in, Schenectady, on the Mohawk river. On the 18th of March, another party made an attack on Salmon falls, a settlement on the river which divides the province of New Hampshire from that of Maine. They slew thirty, and carried away fifty-four of the inhabitants into captivity, setting fire to the houses and mills; and in May, another party destroyed the settlements at Casco.

The general court of Massachusetts now determined to retaliate, and make an attempt on Port Royal. Under the command of Sir William Phips, eight vessels were accordingly fitted out, and he sailed with seven or eight hundred men, on the 28th of April: the fort of Port Royal, being incapable of resisting this force, surrendered with little or no resistance, and Sir William possessed himself of all the coast from Port Royal to the settlements of New England, and was induced by this success to attempt the reduction of Canada. Two thousand men were to march up the lakes, and thence to Montreal, while a fleet was attacking Quebec. Thirteen sail were collected, the largest of which was a 44 gun ship. They sailed from Nantasket on the 9th of August. Success did not attend the attempt. The army which was to proceed up the country not being provided with batteaux and provisions, retreated without crossing the lakes. The fleet was early discovered in the river, and was not before Quebec till the 5th of October. Three days after, all the effective men, about twelve hundred in number, were landed, but re-embarked on the 11th, without success. The extreme cold

and tempestuous weather compelled Sir William to retreat.

So fond were the hopes of success at Boston, that the general court had not made any provision for the payment of the troops, imagining the capture of Quebec would have rendered such a provision useless. The clamours of the disbanded soldiery rose so high, that an insurrection was dreaded. In this extremity, an emission of paper money was resorted to. It was the first that was issued in the American colonies.

A great number of French refugees were this year sent, at the king's expense, to the province of Virginia, and settled themselves on James river; others purchased land from the proprietors of Carolina, and settled on Pamlico and Santee rivers.

Doctor Cox, to whom the title of Sir Robert Heath, under the patent of the year 1629, to Carolana, had passed through several conveyances, laid a memorial before king William, in which he represented the great expense he had been at, in discovering and settling Carolina; but his claim, though, as it is said, incontestibly proven, was disregarded. His son, Daniel Cox, who had resided fourteen years in the country, maintained his father's claim, and published a full account of it.

Seth Stothel, countenanced by a powerful faction, in the southern part of Carolina, and presuming on his authority, as one of the lords proprietors, made his appearance in Charleston, and seized the reins of government. His popularity and power were of short duration. The assembly, two years after, compelled him to abjure the county, and government. The lords proprietors, says Hewit, dissented from all the laws passed during his government.

The settlement at New Providence, in the Bahama islands, being already considerable, a regular government was established there, by the lords proprietors of Carolina, and Cadwallader Jones was sent as governor.

The island of St. Kitts was, this year, reconquered from the French, by the English, under colonel Codrington, and the white male inhabitants, amounting to about eighteen hundred, were sent, with their women and children, to Hispaniola and Martinico.

On the 25th of January, in the following year, the town of York was destroyed; fifty of the inhabitants killed, and one hundred of them made prisoners. The province of New Hampshire suffered so much by the incursions of the French and Indians, that it was on the eve of being abandoned.

On the 14th of May, 1692, Sir William Phips arrived at Boston, with the new charter of the province, and a commission, constituting him governor of Massachusetts, and captain general of the colonies of Connecticut and Rhode Island. In the latter colony, he vainly attempted to exercise his authority. The province, designated by the old charter, contained the whole of the old colony of Massachusetts, that of Plymouth, the provinces of Maine and New Hampshire, and all the country between these provinces as far north as the river St. Lawrence. The new charter did not secure to the colonists all the privileges, which they had enjoyed under the old. The legislature endeavored to make amends for this, by an act in the nature of a bill of rights, or magna charter; but it was disallowed by the king.

The provinces of Rhode Island and Connecticut were left in the enjoyment of their first charter.

Sir William Phips, according to his instructions, proceeded to Pemaquid, where he built a fortress, on a larger scale, and superior in the execution of the work, to any hitherto constructed by the English in America. It was named fort William Henry.

A patent was this year laid before the legislature of Virginia, for establishing a general post-office in Virginia, an act was passed to give it effect; but such was the dispersed situation of the planters, that the project failed in its execution.

Governor Ludwell being sent by the lords proprietors to take the command of the southern part of the province, his authority devolved on Alexander Lillington; and, on the succeeding year, on Thomas Harvey, as deputy governor.

The Indians in the southern part of Carolina were now at war between themselves, and governor Ludwell adopted, as a mean of security for the whites, the plan of setting one tribe against the other. Besides securing the friendship of some tribes, which he employed to carry on war against the others, he encouraged all to bring captives to Charleston, for the purpose of transportation to the West Indies. This year, twenty Cherokee chiefs came in, with proposals of friendship, soliciting the assistance of government against the Esau and Coosaw tribes, who had taken some of their people prisoners. They complained at the same time of the outrages of the Savanna tribe, who, contrary to former regulations established among themselves, had sold some of their countrymen; and begged the governor to return the captives, and protect them against such insidious enemies. The governor declared his intention to live in peace and friendship with the Cherokees,

and to do every thing in his power for their protection and defence. The prisoners, he observed, had already been shipped away to the West Indies, and could not be recalled, but he engaged to take care for the future, and that a stop should be put to the custom of sending them out of the country.

Both parts of the province were still in a confused state. After the fairest trial, the form of government, proposed by John Locke, proved totally unfit for the wants and state of the province; the people declared to the lords proprietors, they would rather be governed by the powers granted, without regard to the fundamental constitutions, and the lords proprietors granted their request. Thus, says Chalmers, at the end of twenty-three years, perished the labour of Mr. Locke. Then was abrogated, at the entreaty of the Carolinians, who had scarcely known one day of enjoyment, a system of laws, which had been intended to remain ever sacred; which far from having answered their end, introduced only disputes, faction, and disorder, that were ended by the dissolution of the proprietors' government. The Carolinian annals show to all projectors the vanity of attempting to make laws for a people, whose will, proceeding from true principles, must be forever the supreme law.

A dreadful storm was this year experienced in Virginia, and the northern part of Carolina. "It seemed to reverse the order of nature."—It stopped some rivers, and, for others, it opened channels, that were ever navigable.

The king and queen assumed the government of the province of Pennsylvania in their own hands, and Benjamin Fletcher was appointed governor of this province,

as well as that of New-York; The personal friendship of Penn for king James, and an intimacy at court during his reign, rendered him suspected of disaffection to the present government. In the following year, he was permitted to resume the government of his province, and he sent over William Markham.

The French took fort Nelson, in Hudson's bay, and placed in it a garrison of sixty-eight Canadians, and six Indians. They named it fort Bourbon.

In the month of January, 1693, Sir Francis Wheeler sailed from Dartmouth, with three men of war, and some land forces, under the orders of colonel Foulkes. He reached the island of Barbadoes on the 4th of March, where preparations were made for an attack on Martinique. The fleet arrived before this island on the first of April, the troops landed at Cul de sac marin, and destroyed the plantations in that quarter, among which were several fine ones. The troops landed a few days after at Diamond's point, where they laid the country waste. The fleet proceeded to the neighborhood of fort Royal, and fort St. Pierre, when they had several skirmishes with the inhabitants, and sat fire to several houses and plantations. On the 23d, the fleet set sail for the island of Dominico, when it was determined to attack that of Guadeloupe; but a malignant disease, pervading the fleet, induced Sir Francis to make the best of his way for Boston. So terrible was the contagion, that before he reached the continent, he had lost thirteen hundred, out of twenty-one hundred, sailors, and eighteen hundred, out of twenty-four hundred, soldiers. He entered the port of Boston on the 12th of June, and endeavoured to prevail on governor Phips to raise men for the reduction of Canada. This

could nor be effected, and the fleet sailed for Newfoundland, where Sir Francis landed, and destroyed the settlement of St. Pierre de Miquelon.

Some Englishmen, with their families, removed to the Virgin islands, where they made considerable improvements: their wants were few, and their government simple, and without expense. Their judicial powers were exercised by the governor, and by a council chosen among themselves. There were no taxes: money, when wanted for public purposes, was raised by voluntary contributions. Under such circumstances, it could not be expected that the colony would rise to much importance.

Dissentions and disorder still prevailing in Carolina, the proprietors, anxious to prevent the destruction and ruin of their settlement, resolved to send one of their own number, with full power to redress grievances, and settle differences in the colony. Lord Ashley, the celebrated author of the "Characteristics," was chosen, but soon after declined the mission. The second choice of the proprietors fell on John Archdale, a Quaker, and a man of considerable knowledge and discretion. He reached the northern settlement of Carolina in the summer, and assumed the government of the whole province. The planters received him with universal joy, and private animosities and civil discord seemed awhile buried in oblivion. The legislature was called, and governor Archdale, by the discreet use of his extensive powers, settled almost every matter of general concern, to the satisfaction of the colonists. The price of land, and the forms of conveyance, were settled by law. Three years rent was remitted to those who held land by grant, and four to such as held them by survey, and

not by grant. Such lands, as had escheated to the lords proprietors, were ordered to be let out or sold. It was agreed to take the arrears of great tracts either in money or commodities, as should be most convenient to the planters. Magistrates were appointed, for trying all causes, and determining all differences, between the settlers and the Indians. Public roads were ordered to be made, and water passages to be cut, for the more easy conveyance of produce to the market. Some former laws were altered; and such new statutes were made, as the good government and peace of the colony appeared to require. Public affairs assumed an agreeable aspect, and excited just hopes of the future progress and prosperity of the settlement.

Governor Archdale, in the beginning of the new year, proceeded to Charleston, where he met the legislature of that part of the province, in the month of March.

The planting of rice was introduced about this time, in Carolina. A brig from Madagascar, on her way to England, came to anchor off Sullivan's island:—Thomas Smith, a landgrave, going on board, received from the captain a bag of seed rice, with information of its culture in the east, its suitableness for food, and its incredible increase. The landgrave divided the seed among his friends, and an experiment being made in different soils, the success surpassed the expectation the captain of the brig had excited, and from this small beginning, arose the staple commodity of Carolina, which soon became the chief support of the colony, and the great source of its opulence.

This year, George, lord Carteret, died, and was succeeded by his son, John, then five years of age, who, in

1744, succeeded, on his mother's death, to the title of viscount and earl Granville. His mother, Grace Carteret, was daughter to the late earl of Bath. - She was (Dec. 17, 1714) created countess Granville, viscountess Carteret.

In the year 1695, king William granted a charter to the Scots, African and Indian Company, authorizing them to plant and maintain colonies, in any part of Asia, Africa and America, not the property of such European powers as were at amity with his majesty: with an exemption for twenty-one years from all duties on the produce of such plantations. They were not only empowered to defend their colonies and trade by force of arms, but had the promise of the royal authority to do them right, if they were disturbed, at the public expense.

In the beginning of 1696, a fleet of seven men of war, and twelve transports, sailed from Plymouth, under the orders of Herbert Wolcott, for St. Kitts, from whence they proceeded to Hispaniola, in the hope of obtaining aid from the Spanish governor there, to attack the French. This being afforded, the allied powers prepared for battle, but such a misunderstanding prevailed among the officers of the two nations, that nothing could be effected. Disease made great havoc among the English forces, and the commodore fell a victim to it, and the number of sailors was so much reduced, that on the return, one of the ships was left at cape Florida, for want of hands to work her.

The French, in the following year, attacked and possessed themselves of Fort Prince William, at Pemaquid, and destroyed all the English settlements in Nova Scotia, excepting those of St. Johns, Bonavista and Car-

boniere harbor, and the English re-took Fort Bourbon (Nelson,) in Hudson bay.

The small pox raged among the Pamplico Indians, and considerably reduced that tribe.

In the latter part of this year, governor Archdale returned home, leaving the administration of the northern part of the province, in the hands of Thomas Harvey, as deputy governor.

This year was established, in England, the board of the lord's commissioners of trade and plantations, the affairs of the colonies being at this time, too considerable and important to be managed, as part of the concerns of any of the departments. With this board, the governors of the colonies were directed to hold a constant correspondence, and to transmit to it, the journals of their councils and assemblies, the accounts of the collector of the customs and naval officers.

Parliament now laid additional restrictions on the trade of the colonists. By the statute 7 and 8, W. and M. c. 22, it was enacted, that no commodity should, after the 28th of March, 1698, be exported to, or imported from, the plantations, to England, Wales or Berwick-upon-Tweed, except in vessels built in England, Ireland or the plantations, owned by the king's subjects, and navigated by a master and crew, three-fourths of whom, at least, should be British subjects: an exception was made in favor of prize vessels. The execution of the revenue laws was enforced by very severe penalties. Persons, charged with any offence against them, were made liable to be tried in any part of the colonies, in which the officer or informer might allege it to have been committed; and they were deprived of a trial *de medietate linguæ*. Commodities of

the growth and produce of the plantations, were forbidden to be landed in Ireland or Scotland, till after they had been landed, and the duties thereon paid in England, Wales or Berwick-upon-Tweed. The appointments of the governors of the proprietary provinces were required to be proposed to, and approved by the king; and the proprietors of these provinces were forbidden from selling land to any but the king's natural born subjects of England, Ireland, Wales, or Berwick-upon-Tweed, without the king's license. The governors, in every colony, were specially charged to see the revenue laws carried into complete operation; all laws, customs and usages, in practice in any of the plantations, were declared to be void and of no effect. Juries were required to be composed of natural born subjects of England, Ireland, or the plantations, and the informer, or prosecutor, was permitted to allege the offence to have been committed in any colony, province, county, precinct or district, in the plantations.

Although no design, on the part of the ministry, of taxing any of the colonies, at so early a period as this, can be ascertained, about this time a pamphlet was published in England, recommending a parliamentary tax on one of them. This pamphlet was answered by two others, which totally denied the power of taxing the colonies, because they had no representatives in parliament to give consent.

Preparations being made in France, for sending a colony to the Mississippi, the king of Spain sent don Andres de Ariola, to Pensacola, as first governor of the province. Don Andres built a fort, with four bastions; he gave it the name of St. Charles, and erected a church and a few hovels.

Early in the following year, a French fleet, under commodore de Pointiz, plundered Carthagena, destroyed its forts, and carried off eight millions of crowns. A little before his landing, the people of fashion, and the ecclesiastics of both sexes, had retired into the country, with one hundred mules, laden with treasure.

On the 17th of April, vice admiral Nevil arrived at Barbadoes, with a fleet of English and Dutch men of war; they were in quest of Pointiz, and fell in with him, but he escaped them. The fleet cast anchor at Carthagena, which had suffered so much from the visit of the French, that the inhabitants seriously spoke of abandoning it. From thence, the fleet proceeded to Hispaniola. Rear admiral Muse was sent with a small party to Petit Goave, which he surprised. The inhabitants flew into the woods, and the soldiers began to pillage the town, but soon grew intoxicated and set fire to it. The rear admiral having joined the fleet, they proceeded to Jamaica, in order to take the king's ships that were there, and proceed to Havana, in order to meet and convey the galleons home. The governor refused to allow the fleet to enter the port, even to permit them the purchase of some provisions they were in want of; and the general of the marines sent word to vice admiral Nevil, that his orders did not allow him to avail himself of the offer to convey the galleons. Rear admiral Muse and a number of English captains fell victims to the diseases of the climate. The fleet proceeded to Virginia, where the vice admiral paid the last debt of nature; and Thomas Dicks, the only commander who survived, took the command, and conveyed hence the merchant ships that lay before Jamestown.

On the 28th of September, peace was concluded between England and France. Louis XIV. acknowledged William III. king of England, and engaged not to trouble him, either directly or indirectly, in the enjoyment of his three kingdoms, nor to favor in any degree any person that might pretend to have any claim thereto. Mutual restitution was agreed to be made, of all countries, forts and colonies, taken by each party during the war.

Chalmers—History of South Carolina—Marshall.

CHAPTER XI.

THE peace of Riswick was scarcely published in America, before a misunderstanding began to manifest itself between the agents of both powers in the new world. The French claimed the exclusive property of the fisheries, and of every part of the country to the eastward of Kennebeck. The English lay claim to all the country westward of St. Croix, as being within the bounds of the province of Massachusetts. Governor Villebon of Acadia informed lieutenant governor Slaughter of Massachusetts, that he was instructed to consider Kennebeck river, from its source to the sea, as the boundary between the two nations.

On the 25th of January, 1699, d'Iberville, (with two frigates and two transports,) sent by Louis XIV. to begin the settlement of Louisiana, arrived on the coast of Florida, and built a fort in the bay of Biloxi, between that of Mobile and the Mississippi: this was the first permanent establishment of the French on the gulf of Mexico: it continued, with steady but slow improvement, till the cession of the country to the Spaniards, seventy years after.

King William having, in the year 1695, at the request of the parliament of Scotland, incorporated a company in that kingdom, to trade to Africa and the East and West Indies, they projected a settlement at Darien; three ships

and two tenders, with about twelve hundred colonists, sailed from the Frith, in Scotland; they landed on the continent, within a league of an island now known as St. Catherine's island, treated with the natives, and with their leave, on the fourth of November, took possession of a tract of the country never before possessed by any European power, where they built a fort, and began to lay the foundation of a town, to be called New Edinburg, and they named the settlement Caledonia. It lay near Panama and had Portobello on one side, and Carthagena on the other. This situation, while it excited in Scotland the most sanguine hopes of treasures of gold, greatly alarmed the Spaniards and the French, and Louis XIV. offered to Charles II. a fleet to destroy the Scots. Both nations complained to king William, who too readily hearkened to their representations. Accordingly, the next spring, Sir William Bereton, governor of Jamaica, issued his proclamation, importing, that the king, considering the settlement of Darien as a violation of his treaties with his allies, all the king's subjects were forbidden to hold any correspondence with the Scots at Caledonia, or to give them any assistance. The governors of Barbadoes, New-York and Massachusetts, issued similar proclamations, and the settlement was abandoned.

The administration of the government of the northern part of Carolina devolved on Henderson Walker, by the death of Thomas Harvey, in 1699, and a material alteration took place in the judiciary. Hitherto, the general court had been holden by the chief magistrate, the deputies of the lords proprietors, and two assistants: a commission was now issued, appointing five persons justices of the supreme court, two of whom were of the

quorum, the presence of one of whom was necessary for constituting the court.

Government being informed, that captain Kidd, who had fitted out an armed vessel, called the *Adventure Gally*, and had obtained a commission, authorizing him to capture pirates and seize their vessels and goods, exercised notorious piracies, rear admiral Benlow had particular orders to look for him, and seize him and his crew, with his vessel and goods, in order that an example might be made. The history of this man was this : a number of confederated pirates, mostly English, infesting the East India seas, and having taken a ship of the great mogul, the company communicated to government their apprehensions, that this prince might grant letters of reprisals to his subjects, and it was determined to destroy these pirates, who took shelter in hidden creeks in the island of Madagascar. A ship was accordingly fitted out, and the command of her given to Kidd, who knew the retreats of the pirates, and was supposed in all respects to be well qualified to attack them. Government appropriated, however, no fund for his armament ; the king proposed to interest in it such individuals as might be willing to supply the means ; he offered to subscribe three hundred pounds himself, and charged his ministers to look for adventurers. Lord Somers, the earls of Oxford, Romney and Bellamont and others, furnished, however, all the funds ; the king having found the means of avoiding to take any interest, by making an abandonment of the proceeds of all captures to the adventurers.

Kidd sailed, and news reached England some time after, that, instead of pursuing the pirates, he was himself engaged in piratical pursuits, committing great depreda-

tions in the West Indies, and along the coast of the continent. The ministers, and lord Somers principally, were highly blamed, and it was maliciously insinuated, that Kidd would not have dared to engage in these piracies, if he had not depended on the protection of those, who had supplied the means for the expedition.

Rear admiral Benlow proceeded to Carthagena, with four men of war, where he compelled the governor to release several merchantmen, which the Spaniards had taken, on account of the settlement made by the Scotch at Darien. The rear admiral, having anchored at Jamaica, was pressed by the governor and merchants to require from the Spanish admiral, some reparation for the injuries the commerce of the king's subjects had of late sustained in the West Indies, by frequent captures. For this purpose, he proceeded to Portobello: the Spanish admiral found an excuse for the excesses of his countrymen, in confounding the interest of the English with that of the Scotch. No satisfaction could be obtained. The rear admiral returned to Jamaica, where hearing that Kidd had lately been seen in those seas, he went in quest of him. In his cruize, he anchored at St. Thomas, to expostulate with the Danish governor, who was said to afford shelter to Kidd, and other pirates who infested the sea: he received a very unsatisfactory answer; but as he had no order to proceed to extremities, he was compelled to dissimulate. He next proceeded to New-York, where he was informed, that the earl of Bellamond, governor of that province, had sent Kidd to England, with a considerable part of his booty. Attempts were made to induce this man to implicate the lords who had procured him the king's commission, but however irregular might have been his conduct, he

had honesty enough to refrain from accusing innocent persons : he was tried at the old bailey, with several of his accomplices, convicted, executed, and hung in chains.

Dr. Cox, of New Jersey, proprietor of the province of Carolana, fitted out two ships, provided with twenty great guns, sixteen patereros, abundance of small arms, ammunition, stores and provisions of all sorts, not only for the use of those on board, and for discovery by sea, but also for building a fortification and settling a colony ; there being, in both vessels, besides sailors and common men, above thirty English and French volunteers, "some noblemen and all gentlemen." One ship entered the Mississippi, and meeting a party of Frenchmen, by whom they were pursued, the people on board were persuaded that they had mistaken the stream they were on, for the Mississippi : they returned to sea. The place in which they met the French was, from this circumstance, called the English Turn.

The attention of the colonists, in some of the northern provinces, had been drawn to the raising of wool, and the manufacture of some coarse kinds of cloth : this sign of incipient prosperity was noticed in England with a jealous eye ; and with a view to depress the enterprising spirit of the colonists, which tended not only to free them from their dependence on the manufactures of England, but to enable them, in course of time, to rival those in the West India market, and in order to compel the shipment of a greater quantity of the wool raised in America to the mother country, a statute was now passed (10 & 11 of W. & M. 3) prohibiting the transportation of wool, or any article manufactured out of

wool, from one of the American provinces to another, by land or water. These instructions were guarded by very severe penalties, made recoverable in the courts of Westminster; and the governors were strictly charged to prevent the statute being eluded. By this mean, the industry of the colonists was confined to very narrow limits, and was prevented from extending beyond the manufacture of such coarse household goods, as a family might make for its own use, or that of some of its neighbors in the same province.

Complaints being made by the court of France, of irruptions by the Indians in alliance with England, on the back settlements of the French in Canada, orders were despatched to lord Bellamont, governor of New-York, to forbid any act of hostility against the French in Canada, and to prevent the recurrence of the circumstances, which had caused the complaints of the court of France, that the Indians of the five nations should be disarmed, as far as he and the governor of Canada should deem proper, and his lordship was directed to live in good understanding with the French, till the commissioners, appointed under the treaty of Riswick, should agree on measures that would ensure a continuance of peace.

On the 21st of December, 1699, the board of trade reported to the king, that his attorney-general, upon the perusal of letters patent and conveyances, produced to him by doctor Coxe, had given it as his opinion, that the doctor had a good title to the province of Carolana, extending from the 31st to the 36th degree of north latitude, inclusive, on the continent of America, and several adjacent islands.

By this report, the king and his council unanimously agreed, that the doctor's design of settling his province, should be speedily encouraged and promoted.

His majesty told the doctor's son, he would leap over twenty stumbling blocks, rather than not to effect an English settlement on the Mississippi, and assured him, that he not only would receive public encouragement, but that six or eight hundred French refugees, or Vandois, would be transported there, at the expense of the crown, to join such of his subjects as could be induced to remove and begin a settlement thither.

Lord Lonsdale, the lord privy seal, was among the most distinguished patrons of this undertaking; he offered to assist the design with two thousand pounds sterling, or a ship of two hundred tons, with one hundred persons, of whatever trade or employment might be thought most convenient, and to provide them with provisions and necessary tools and instruments of agriculture, for one year. The death of this nobleman soon after, and that of his sovereign within a short period, put an end to the hopes of the doctor.

The coast of the continent, particularly that of Carolina, continued to be infested with pirates, who committed great depredations; several vessels belonging to Charleston were taken, and kept as prizes, and the crews sent ashore. A ship had been fitted out at the Havana, to cruise on the coast of Carolina, the crew of which was composed of Englishmen, Frenchmen, Portuguese and Indians; after a successful course of piracy, the motley crew quarrelled about the division of their booty, and the Englishmen, nine in number, being the weakest part of the crew, were turned adrift in the long-boat; they landed on Sewel bay, and proceeding thence to

Charleston, were recognized by the master of a ship which they had captured, and were taken up, tried and executed.

With a view to purge the sea of these marauders, parliament passed a statute (11 and 12 W. III. c. 7) authorizing commissioners appointed by the king, exclusively to take cognizance of piracies in proprietary governments in America: a forfeiture of the charter was denounced, in all cases in which the governors should refuse their aid to the commissioners. By a statute of the same year, (c. 12,) governors of the colonies, guilty of oppression or any offence against the laws, within their own government, were directed to be tried in the court of king's bench, in England, or before commissioners appointed by the king in any county in it.

In the month of January, the Rev. Mr. Blair, a minister of the church of England, was sent by lord Weymouth as an itinerant missionary, to reside in the northern part of the province of Carolina: his lordship allowed him a salary of one hundred pounds a year, and he is the first settled minister of whom an account has been preserved. He entered on the duties of his mission with great diligence; but the people were settled on so distant plantations along the rivers, that he was obliged to be continually travelling from place to place, which could not possibly be done without a guide, on account of the badness of the roads, the difficulty of finding the way, and the vast wilderness between the plantations, many of which were at the distance of forty miles from each other: the whole population not exceeding, at this time, five thousand souls, and the inhabited part of the country was about one hundred miles square. He was very useful in reviving a sense of religion among the

people, and during his stay an act of assembly was passed for building three churches. He found the labor of continual travelling, during the extreme heat of the summer, and the alternate and rapid vicissitudes of cold and heat during the remainder of the year, beyond his strength of body : he attempted to fix his residence in one of the middle precincts, and offered to officiate to those who would come to him, but the people were dissatisfied with this, and complained that he acted contrary to the wishes of lord Weymouth, who intended his charity for the whole colony. At length, he found it so difficult to give satisfaction, and to endure the hardships of his situation, that he returned to England, quite sunk with poverty and sickness.

This year, a society for propagating the gospel in foreign parts, was formed in England, and received the king's charter.

On the 16th of November, king James died. Louis XIV. gave to his son (since called the pretender) the title and honors of king of England. This was a tacit engagement to support this prince, in violation of one of the articles of the treaty of Riswick. King William became exasperated at it, and considered the conduct of Louis as a provocation to war. It must, however, be admitted, that the English monarch had not waited for this event to declare himself against France. In the beginning of the year, negotiations had been commenced between him, the emperor, and the States General, and had been concluded and signed a very few days before the death of James.

A rupture having taken place between England and Spain, governor Moore, of the southern part of Carolina, proposed to the legislature to undertake an expedi-

tion against the Spanish settlement at St. Augustine. The proposition was acceded to, and about nine thousand dollars were voted for the expense attending it: six hundred militia were raised, and an equal number of Indians engaged, and vessels impressed. The forces were collected at Port Royal, which was the place of general rendezvous, and in the month of September, the governor embarked with part of the forces, with a view to block up the harbor, and colonel Robert Daniel, a landgrave of the province, proceeded by land with the rest, to make a descent on the town. The colonel arrived, entered and plundered the town, before the vessels made their appearance, and the Spaniards seasonably retired to the castle, with their money and other valuable effects. Governor Moore, on his arrival, found it impossible to dislodge the enemy, for want of artillery, and despatched the colonel to Jamaica to fetch some: in the mean while, two Spanish men of war appearing, the governor raised the siege, and made a hasty retreat to Charleston.

About thirty thousand dollars were due to the troops, and the nine thousand voted by the legislature were expended. To meet the exigencies of the time, an act of assembly was passed, for the emission of paper money. In order to sink the bills, a tax was laid on liquors, skins and furs, which it was believed would enable the province to take up all the paper then put in circulation, in three years. This was the first instance of a paper currency in Carolina, and the second in the English American provinces. Two years after, a similar emission took place in the island of Barbadoes.

The proprietors of East Jersey and West Jersey, finding it difficult to govern their provinces, to the satis-

faction of the settlers, or their own interest, resigned the government of them to the crown : they were erected into one royal province, which was called New Jersey, and lord Cornbury was appointed the first governor of it.

On the 11th of March, king William died, and was succeeded by queen Anne.

On the demise of the king, the European possessions on the northern continent of America, were extended on the sea shore over almost all the country they covered at the declaration of independence. With the single exception of the province of Georgia, all the provinces that joined in this instrument, were now occupied. The reader has seen, that besides the pursuits of agriculture, navigation and commerce, a part of the settlers began to seek their livelihood by manufactures, and that their success had attracted the attention of the mother country, who, alarmed at the rapid advances of the colonists in this respect, had sought to check their enterprising spirit by parliamentary restrictions : and he must have viewed with interest and pleasure, the early development of that spirit of liberty and independence, which he will observe in the short space of three fourths of a century, bursting into a flame.

The population of the English provinces amounted, according to an enumeration made about two years before the present period, to two hundred and sixty-two thousand souls, nearly one half of whom were in that part of the continent known under the name of New England.

The French establishment of New France, in Canada and Acadia did not contain twenty thousand souls : they carried on a very extensive trade with the western Indians, from whom they obtained vast quantities of fur.

The settlement of Louisiana, was as yet confined to a fort on the bay of Biloxi, and a few scattered plantations near it.

The Spaniards had begun to occupy Florida, by other improvements than the erection of a few forts along the coast, to which they had confined themselves for a century, after their first occupation of the country; the settlements at St. Augustine and Pensacola, which at this day constitute almost the only portions of Florida as yet improved, were formed. Under the guns of the castle of St. Augustine, a small town had reared itself, a circumstance which evinces that some little attention was paid to agriculture in the neighboring waste.

The colony of Bermuda was in a flourishing condition.

In the West Indies, the French had a population, in three several islands, of three thousand whites and forty-five thousand blacks. There are no documents, from which the number of people in the English West India islands, can be ascertained.

The Spaniards possessed the islands of Cuba, Porto Rico, and one half of that of Hispaniola.

After these nations, no other had settlements in the West India islands.

CHAPTER XII.

One of the first acts of queen Anne's reign was a declaration of war against France and Spain: it took place on the 11th of May, 1702. The preamble of this instrument begins by a reference to the usurpations and encroachments of Louis XIV., who is stated to have taken and kept possession of a great part of the Spanish dominions, exercising an absolute power in that monarchy, having seized Milan and the Spanish Netherlands by his arms, and made himself master of Cadiz, of the entrance of the Mediterranean, and of part of the Spanish East Indies, by his fleets. It charges the French monarch with the design of invading the liberties of Europe, and to obstruct the freedom of the navigation and commerce of the world. It recites the late treaty of alliance with the empire, the States General and other powers, in which it is stipulated, that if the injuries complained of are not redressed within a certain time, now elapsed, the parties concerned shall assist each other, with their whole strength; and concluding with the real, the last, though not the least cause of the war, that the French king, instead of giving the satisfaction which he owed, had not only proceeded to fresh violences, but had added a great affront and indignity to the queen

and her kingdom, by declaring the pretender king of Great Britain.

The Apalachian Indians, excited by the Spaniards at St. Augustine, making frequent incursions on the western settlements of Carolina, governor Moore marched into the heart of their settlements, and laid waste their towns between the rivers Savannah and Alabama, and killed or captured several hundreds of the enemy.

Lord Granville was now the palatine of Carolina: though the form of constitution framed by Locke had for several years been set aside, the office of palatine and the dignities of landgrave and cacique were preserved as long as the proprietary government continued. The palatine, being a zealous member of the church of England, exerted all his influence to establish on a legal footing the worship of that church in the province. Accordingly, he instructed Sir Nathaniel Johnson, who succeeded governor Moore, to promote the passage of a law for this purpose. Another reason powerfully operated on the mind of Sir Nathaniel: the queen had opposed his appointment to the government of Carolina, on a suspicion of his entertaining sentiments unfavorable to the revolution, and had given at last her assent on condition of his qualifying himself for the office in the manner required by the laws of England, and his giving security, to the satisfaction of the lords commissioners of trade and plantations, for his faithful observance of the laws of trade and navigation, and his obedience to such instructions as she might from time to time give him. He was directed to appoint a deputy governor

for the northern part of the province : in disposing of land, he was instructed to require twenty pounds sterling for every thousand acres, and to make it a condition to be inserted in the grant, that the premises should revert to the lords proprietors, if not settled within four years; but, the most important object recommended to the attention of the new governor, was the establishment of the church of England in the province. Both parts of it were in a deplorable state as to religion; such of the inhabitants as were born, or had grown up to manhood, in Carolina, were almost utter strangers to any public worship of the Deity. Among the first emigrants, some sense of religion had been for a while preserved, but the next generation, reared in a wilderness in which divine service was hardly ever performed, and where private devotions cannot be supposed to have been much attended to, were rather remarkable for loose, licentious principles, and the fundamental principles of the Christian religion were often treated with the ridicule and contempt of professed infidelity. The population of the colony was composed of individuals of different nations, and consequently of various sects: Scotch Presbyterians, Dutch Lutherans, French Calvinists, Irish Catholics, English Churchmen, Quakers and Dissenters; emigrants from Bermuda and the West Indies, which, from their late settlements, could not be places remarkable for the education of young people, in Christianity and morality.

Governor Johnston, assisted by the principal officers of the southern part of the province, exerted

his influence with so much success, as to procure the election of a sufficient number of persons, disposed to forward his views.

Notwithstanding the great opposition which the bill received, it passed into a law. The southern part of Carolina was divided into ten parishes, and provision was made for the support of ministers, the erection of churches and glebes; and an act was passed, requiring members of assembly to conform to the religious worship in the province, according to the church of England, and to receive the sacrament of the Lord's supper, according to the rites and usages of that church.

The inhabitants of the county of Colleton, which was chiefly settled by dissenters, sent John Ashe, an influential character among them, and the grandsire of Samuel Ashe, who was governor in North Carolina in 1792, to lay their grievances before the lords proprietors. The governor succeeded in preventing this gentleman obtaining a passage in any of the ships in Charleston: he was compelled to travel by land to Virginia, where he embarked. On his way, he stopped in the county of Albemarle, where he was received with great respect and cordiality, and the people, feeling the same interest as his constituents in the object of his mission, prevailed on Edmund Porter to accompany him, in order to aid by the representations of the people of the northern part of the province, the object which the people of Carolina had much at heart.

The palatine received the emissaries of their lordships' vassals in America with considerable coldness. Unable to effect the object of his mission,

by his representation to the lords proprietors, John Ashe, finding the public sentiment in his favor, determined on raising it into action, by a candid representation of the grievances of his constituents; but death prevented the intended appeal. His papers fell into the hands of those who had an interest to suppress the expression of his sentiments.

Bent upon carrying the palatine's views into execution, governor Johnson overcame every obstacle in his way. A corporation, composed of twenty individuals, was instituted, with power to exercise high ecclesiastical jurisdiction. Authority was given it, to deprive ministers of their livings, and the acts of the legislature, of which John Ashe had gone to procure the repeal, were executed with great zeal and rigor. The dissenters were exasperated: a migration to Pennsylvania was spoken of, but it was at last determined to send Joseph Boon to England, with a petition to the house of lords. On the introduction of this petition, the house, on the motion of lord Granville, the palatine of Carolina heard counsel, at its bar, in behalf of the lords proprietors, and after some debate, came to a resolution, that the laws complained of were founded on falsity in matter of fact, repugnant to the laws of England, contrary to the charter of the lords proprietors, an encouragement to atheism and irreligion, destructive to trade, and tended to the ruin and depopulation of the province. The lords next addressed the queen, beseeching her to use the most effectual means to deliver the province of Carolina from the "arbitrary oppression under which it lay, and to order the proprietors of it to

be prosecuted according to law." The subject was referred to the lords commissioners of trade and plantations, who reported, that the facts stated in the petition were true; that the powers granted by the charter, had been abused; that the grantees had incurred a forfeiture of it, and recommended that process might be ordered to issue accordingly against their lordships. The queen's law servants were thereupon directed to procure a writ of *quo warranto*, and to report what might more effectually be done, in order that the queen might take the government of Carolina into her own hands. The matter was, however, abandoned, and no step was taken to annul the charter, or relieve the people.

The French in Canada began new hostilities on the frontier: in the month of July, a body of five hundred French and Indians, in various parties, attacked all the settlements from Casco to Wells, and killed and took one hundred and thirty people, burning and destroying all before them.

Hostilities immediately began in the West Indies. Rear admiral Benlow took a Spanish man of war, carrying the governor of Cathagena. In the summer, he destroyed a number of French vessels in the West Indies, and sent captain Leake to Newfoundland, where he took or destroyed eleven French merchantmen.

In the month of March following, he attacked Guadeloupe, where he burnt several plantations, and drove the inhabitants from Basseterre; from whence he retired with a considerably booty.

On the 28th of February, 1704, Hertel de Neuville, at the head of a body of three hundred French

and Indians, surprised and burnt the town of Deerfield, in Connecticut, slew above forty persons, and made one hundred prisoners.

In the summer, colonel Benchurch sailed from Boston, with five hundred and fifty soldiers, destroyed the towns of Morris and Chebucto, and did considerable damage to the French and Indians in Penobscot and Passamaquoddy.

On the 13th of April, president Walker died. During his administration, we are informed by the stone that covers his remains, the province enjoyed perfect order and tranquility. On hearing of his death, Sir Nathaniel Johnson, whose commission extended now over the whole province, sent Robert Daniel, the officer who had seconded governor Moore in the late attack of St. Augustine, to succeed president Walker as deputy governor of the northern part of Carolina.

This gentleman had it in charge, to procure the establishment of the church of England by legal authority. The bill received great opposition, but the address of the governor secured its passage. The act provided, among other things, for a fine on any person holding a place of trust, who should neglect to qualify himself by taking the oath required by law. This part of the province was now divided into parishes, and provision was made for the building of churches, laying out glebes, and providing for the maintenance of a clergy. The people, not quite so obsequious, as the members of the legislature had been, to the pleasure of governor Daniel, manifested an immediate intention to prevent the execution of the laws: the Quakers, who

composed a considerable part of the population of the precincts of Pasquotank and Perquimans, evinced a disposition to sacrifice the pacific principles of their sect, to the preservation of their rights. A union was formed with the dissenters in the southern part of the province, in order to convey to England their just complaints against such arbitrary and oppressive measures. Their petition was introduced, and strongly supported, in the house of lords, and the peers came to a resolution, that the acts of the legislature of Carolina, requiring conformity to the church of England, were "founded on falsity, in matter of fact, repugnant to the laws of England, contrary to the charter of the proprietors, an encouragement to atheism and irreligion, detrimental to trade, and tended to the depopulation and ruin of the province." Queen Anne declared them null and void.

The American colonies suffering greatly from the different value of coin, in the provinces, queen Anne, to create a uniformity, in this respect, this year issued a proclamation for settling and ascertaining the current rates of foreign coin, in her majesty's plantations of North America.

Parliament, this year, relaxed a little the restrictions of the navigation act, (15 Ch. II. c. 7,) which forbade the importation of any European manufactures to the plantations, except from England, and the Irish linens were permitted to be shipped from Ireland to the plantations, in vessels navigated according to law. 34 Anne, c. 8.

The importation of naval stores from the plantations to England was, at the same time, encouraged by a

bounty on tar, pitch, rosin, turpentine, hemp, masts, yards, and bow-sprits. 3 & 4 Anne, c. 10.

This year was printed the first American newspaper: it was entitled "The Boston News-Letter."

The Bishop of London sent Gideon Johnson, as his commissary for the province of Carolina. He was directed to make Charleston his place of residence.

Governor Daniel made a treaty of peace, at a general meeting of the chiefs of the different tribes of Indians, bordering on the settlement of the whites. By an article of it, inserted at the desire of the Indians, white traders were forbidden from supplying the Indians with rum. This stipulation was not, however, afterwards insisted upon: the young Indians threatened to kill the plenipotentiaries, who had proposed it, and they were allowed to have rum, when they went to the house of an Englishman to buy it.

The following year, the town of Bath, on Tar river, was established, by an act of the legislature, and the county of Albemarle was divided; the southern part being erected into a county, called Bath, composed of three precincts, Wickham and Pamplico, on Roanoake and Tar rivers, and Archdale, on Neuse.

Sir Nathaniel Johnston having appointed Thomas Cary deputy governor of the northern part of this province, the lords proprietors disapproved of his choice, and required that their deputies should from among themselves elect a president and commander in chief. William Glover was, accordingly, chosen. Cary yielded to this measure at first; but a few weeks after, supported by the influence of the Quakers, and surrounded by a rabble of profligate persons, possessed himself of the

records of the province, and resumed the reins of government.

Monsieur de Subercase, governor of Acadia, sent an expedition, to chase the English from Newfoundland. He was so far successful, that the trade of the island, was almost ruined.

In the following year, the city of Charleston was invaded. Monsieur Le Fevre, commanding a French frigate, having with him four armed sloops, and eight hundred soldiers, appeared off the coast. Governor Johnson, who had intelligence of his approach, had taken every measure necessary to resist the enemy. The alarm was immediately given, and the militia put under arms. The enemy hovered all night upon the coast, and anchored next morning near James Island. He employed the day in sounding the south bar, and this delay gave the governor time to call to his aid a considerable part of the militia from the country, and a number of Indians. The next day, the enemy passed over the bar, and cast anchor near Sullivan's island. Governor Johnson placed some great guns on board of a number of ships that were in the harbor, and gave the command of this little flotilla to William Rhett, a man of ability and spirit. The French commander now sent a flag to demand a surrender of the town, but was resolutely answered, it would be defended to the last extremity. The enemy now landed, and burnt several houses on James island and Bearsly creek. Another party went to Wando creek, to kill hogs and cattle. The governor now sent captain Cantry, with an hundred men, to watch the motions of these men. He crossed the river in the night, coming up with the enemy at break of day, and finding them in a state of imagined security,

surrounded and surprised them with a sharp fire, which completely routed them. A considerable number were killed, wounded, or drowned, and the rest were made prisoners.

Rhett, improving this momentary success, advanced with six ships upon the enemy, who precipitately weighed anchor, and sailed over the bar.

A few days after, the governor was informed that a ship of war was at Serra bay, and had landed a number of men. On this, he ordered captain Fenwick to cross the river, with his company, and march against them; while Rhett should sail round, and attack the enemy. Captain Fenwick came up with, and charged, the enemy, who, after a few volleys, retired to the ship. Rhett came soon after to his assistance, and the French ship struck, without firing a shot, and the gallant officer returned to Charleston, with his prize and ninety prisoners. Of eight hundred men, the French lost three hundred, in killed and captured: among the latter was Monsieur D'Arbussol, the commander of the land forces, with several of the sea officers. The loss of the Americans was trifling.

In the following year, lord Granville, the palatine, died, and was succeeded by the earl of Craven.

Since the assumption of government by president Carey, an end had been put to the administration of justice, and an entire anarchy prevailed. The most respectable part of the community adhered to president Glover, and with a view to an attempt to put an end to the disordered state of the colony, it was determined to submit to the decision of the general assembly, whether president Carey, or president Glover, should exercise the supreme power.

For this purpose, an election was ordered. In the precinct of Chowan, after the writ of election, issued by president Glover, was read, by Daniel Halsey, the deputy marshal, one Robert Fendall rose, and read a similar writ, issued by president Carey. The election went on, and five members were chosen. The votes were counted, and there appeared ninety-four votes for the members chosen, and sixty-five for another ticket. The successful candidates were all friends to president Glover's pretensions. Edward Moseley, the leader of the minority, bitterly complained of unfairness in the election, and made all the confusion he could.

On the 11th of October, the assembly met at captain Heckelfield's, on Little river. Nine members came from the precinct of Chowan, five of whom were returned by the deputy marshal as chosen by the majority. Robert Fendall returned those, as well as the five chosen by Edward Moseley's party, he being one of them. Of the latter, four only attended; the fifth, thinking his election illegal, staid at home.

The house began by ordering these nine men out, and after some debate, called in Edward Moseley's party, he being one of them, and ordered the other five to be forcibly kept out. They chose Edward Moseley speaker, and presented him as such to president Carey and his council.

The house consisted only of twenty-six members, including the five from Chowan precinct. Out of the twenty-one, eight were Quakers, who knew that president Glover would not suffer them to take their seats, without taking the oath: six were from the county of Bath, all under the influence of president Carey: two or three, of the remaining seven, were chosen by the

Quakers of Pasquotank precinct. So that the five members from Currituck precinct could not make any stand: some of them went away.

Then the instrument of writing, or commission from the lords proprietors, which John Porter had brought, was read, and the house came to a resolution, that the act passed during the administration of governor Daniel, laying a fine on any person holding a place of trust or profit, who should neglect to qualify himself, by taking the oath required by law, was by that instrument suspended.

President Carey and president Glover sat in separate rooms, with their respective councils; and Robert Daniel, as a landgrave, having a right to a seat in the upper house, sat alternately with either council.

President Glover sent a message to the assembly, by one of their body, informing them, that to settle the government, and to put the queen's laws into execution, it was necessary that the gentlemen returned should choose a speaker, qualify themselves according to law, and the house should purge itself of all unduly elected and unqualified members; for a reference had been made to the general assembly, not to any number of persons, met without authority. He observed, that, it was contrary to all law and reason, and in a very great degree derogatory to the queen's prerogative, and betraying the trust reposed by the crown in the lords proprietors, to submit the administration of the government to any number of men, howsoever chosen and delegated, even by the unanimous voice of all the inhabitants of the province, unless they should previously acknowledge their allegiance, which both the common law and statute required should be done by oath; a for-

mality which the queen had imposed, and the lords proprietors could not dispense with: for in doing otherwise, the government could be surrendered to the disposal of persons who were traitors to the queen, or maintained the rights of the pretended prince of Wales.

To such an assembly, he said, he would undertake to prove, 1. That he was the lawful president of the queen's council, and that the execution of the lords proprietors' commission belonged to him, and to no other person: 2. That Thomas Carey was not president, nor had been lawfully invested, or possessed, with any power of government, since his departure to South Carolina: 3. That, although the powers of government should be extinct in him (Glover) by death, or the command of the lords proprietors, Thomas Carey was not qualified to be elected to the office of president.

He added, that if the gentlemen now met assumed to themselves the arbitrary power of proceeding in any other manner, he, as president of the council, and commander in chief, charged and commanded all civil and military officers, and all the queen's loving subjects, to forbear aiding or assisting them, in the execution of such arbitrary powers.

He concluded, that as the assembly had rendered themselves incapable of deciding on the matter that was to have been submitted to them, he protested against all they had done, and would do, against him, or any act of his administration: and, because Thomas Carey had publicly threatened, surreptitiously, without any form of law, to take his life, and that of others who had assisted him in keeping the peace; he appealed to the queen, in her court, at Westminster, and offered himself as her prisoner, to be sent in chains, if the matter required it,

to the governor general of Carolina, in Charleston, and thence to England : provided, that Thomas Carey and John Porter, who had been the chief causes of the unhappy troubles that had distracted the country, should bind themselves, with sureties, to prosecute him there.

The message was returned to president Glover, by the member by whom he had sent it, who informed him he was instructed to say that the house should not concern themselves therein.

The Quakers would show themselves singular, coming to the table with their hats on, laying their hands on the book, repeating the words of the oath, using the word declare instead of the word swear, and then having their explanation of the sense or meaning in which they took it entered underneath, they subscribed, without kissing the book, and declared they took it in that sense, and no other.

The society for the propagation of the gospel in foreign parts, lately established in England, sent over this year the reverend Mr. Adams, and the reverend Mr. Gordon, to whom they allowed handsome salaries. The former took charge of the two eastern precincts, Currituck and Pasquotank; the other had under his pastoral care the two eastern ones, Perquimans and Chowan. The act for building three churches, passed under the administration of governor Daniel, had been partially carried into execution. Two churches had been built : the one in the precinct of Chowan was so small, and so inartificially put together, that the inhabitants talked already of building another. A better one had already been built in the precinct of Perquimans ; both, however, were very small. The people in the precinct of Chowan were very ignorant ; few of them

could read, and fewer, even among the better sort, could write; yet, most of them were serious and well inclined, and ready to embrace, both in public and in private, all opportunities of being instructed. The precinct of Perquimans, was chiefly inhabited by Quakers, and Mr. Gordon complained, that his flock in that part of the division, was ignorant and loose in their morals, and unconcerned in religion.

Mr. Adams gave a better account of his parishioners in the precinct of Pasquotank. In their way of living, he observed they had much the advantage of the rest of the colony, being much more industrious and careful, and above all, were to be commended for their order, seriousness and decency, during worship. The roads in their precinct, were worse than in the western ones; but it was more thickly settled: it contained thirteen hundred souls, nine hundred of whom, professed themselves members of the Church of England. The pastor considered this precinct as the principal branch of his division, and made it chiefly his residence. Currituck, the other precinct, including the Sound Banks, and a portion of the shore on the south side of Albemarle sound, was the least pleasant part of his district: it contained eight hundred and thirty-nine souls. The weather was damp and cold in winter, and the moschetos rendered the country extremely unpleasant, in summer.

The clergymen landed, with the belief that they should meet with great discouragement in their mission, and entered on the execution of its duties with great resolution, and received great countenance, from most of the persons, in the administration of that kind of government, which existed in the country.

In the following year a considerable number of French Huguenots, who had emigrated to Virginia, on the repeal of the edict of Nantz, by Louis XIV., had settled near the Manakin towns, on James river, and came over, headed by Philippe de Richebourg, a clergyman of their profession; a number of them began a settlement on Trent river, near the spot, on which a toll bridge was afterwards built on that stream; the rest removed to South Carolina, and formed an establishment on Santee river, which was afterwards made a parish, by the name of St. James.

Parliament this year, passed a statute, (6 Anne, c. 30,) for enforcing the due execution of the proclamation of the queen, of the 18th of June, 1704, to regulate the currency of foreign coin, in the several colonies and plantations in America.

Carey, as receiver of the quit rents, having neglected to settle his accounts, the proprietors, by an instrument of writing, which they sent by John Porter, one of their deputies, removed him from office, and ordered him to come over and give an account of his conduct; which he refused to do, and continued his opposition to the colonial government.

The depredations of the French in the palatinate, compelled the inhabitants to desert their country. Twelve thousand of them, in the most forlorn condition, sought refuge in London. The queen, for some time, supported them out of the privy purse. She was afterwards helped by the benevolence of her subjects, and twenty thousand pounds were subscribed and paid into the treasury of the city, for the relief of these fugitives, who were finally disposed of as colonists, in Ireland and

North America. Several of them came to Carolina, and Edward Tynte, who had succeeded Sir Nathaniel Johnston in the government of the province, was directed to grant land to them, in the county of Bath, the population of which was, as yet, very thin.

Christopher, Baron de Graffenreidt, a Swiss nobleman from the Canton of Bern, was at this time in England, with a considerable number of his countrymen, desirous of migrating to America.

The lords proprietors, considering that the value of their estate, in the province of Carolina, depended on its population, offered encouragement to the palatines and Swiss, in order to induce them to remove to Carolina. Ships were provided, and orders were given for the transportation of those, who offered to go and settle on the lords proprietors' lands.

The baron was created a landgrave. Louis Mitchell, one of the principal characters among the Swiss, had ten thousand acres of land allotted to him, on the rivers Neuse and Cape Fear, or any of their branches, at the rate of ten pounds sterling for every one thousand acres, and five shillings of quit rent. One hundred thousand acres were reserved for him, at the same price, provided they were taken within seven years. One hundred acres were given to every man, woman and child, free from quit rent for ten years.

This was a valuable acquisition to the northern part of the province. Besides a great number of palatines, fifteen hundred Swiss followed the baron. They settled chiefly on Neuse and Trent rivers; and for their accommodation, Thomas Pollock laid off a tract of land, at the confluence of Trent and Neuse, for a town, which in compliment to the leader of the Swiss, he called New

Bern; the city of Bern, in Switzerland, being the place of nativity of this nobleman.

The absence of a regular government, in North Carolina, now gave rise to great feuds and distraction; the partisans of president Glover, irritated by the persecutions they experienced from president Carey, sought a temporary refuge in the neighboring province of Virginia.

The missionaries complained, that these commotions retarded the progress of the gospel, and even encouraged the ridicule of its ordinances. They, however, persevered in their work, in the hope that the feuds might subside. Their expectations were disappointed, and Mr. Gordon despairing of being any longer useful, embarked for Europe, carrying letters from the principal inhabitants of the precincts of Chowan and Pasquotank, stating that he had discharged his functions with great fidelity among them, and indefatigably employed his time in promoting the interest of religion, in the colony.

In the month of October, Graffenreidt and Mitchell, contracted with the commissioners appointed by the queen, for the relief and protection of the palatines, to transport to North Carolina, a greater number of them. These persons received, each, twenty shillings in clothes, and five pounds ten shillings, were paid for their transportation and comfortable settlement; they were composed of ninety-two families, and Graffenreidt and Mitchell agreed to allow two hundred and fifty acres to each family, to be divided among them by lot, free from rent for five years, and afterwards, at the rate of one half per cent. Carolina money.

Provisions were allowed them for one year, payable at the end of the year.

Two cows and calves, a sow and pigs, two ewes and lambs, with a male of each kind, to each family, the value whereof was payable in seven years, with one half of the stock then remaining; tools and implements, for felling wood and building houses gratis.

In the month of December, these palatines arrived at the confluence of Trent and Neuse rivers, where they began a settlement, near that of the former.

The Rev. Mr. Adams, though much dejected at the departure of his colleague, resolved to make further efforts; but the public distractions could not be composed. The parties grew more and more embittered against each other; and, though he behaved with unbounded moderation and unwearied zeal, in his pastoral functions, he was compelled, wearied by the hardships he met with, to abandon the hope of doing any good, and determined to return to England, in 1710. His congregation bore testimony to his good conduct, and assured his employers, he had waded through every difficulty, under the vigilant eye of his most malicious enemy, without having been charged with any thing unbecoming a minister of Christ. As he was preparing to embark he fell sick and died.

In the month of August, Edward Hyde, who had been chosen to govern the northern part of the province, arrived, with instructions to governor Tynte, to commission him as his deputy. He found the governor dead: this circumstance left him without power, as he had no testimonial of his authority, except unofficial letters, from some of the lords proprietors to their deputies, but he was so successful in his endeavors to conciliate both parties, and the inhabitants were so anxious for some settled form of legal government, that

2nd Comm. 4. July all the lords proprietors' deputies, without even the exception of Thomas Carey, solicited him to assume the supreme command, as president and commander in chief, until his commission as governor should arrive. He was, accordingly, appointed and sworn as such.

The adherents of president Glover received him with sincere, and those of president Carey with apparent, cordiality. The planters, who had sought a shelter from the political storm, in Virginia, now returned to their estates, and one of them, high in authority, in a congratulatory letter to the governor, on his arrival, hoped "that he would settle the religion, laws, and liberty of the province, on such a sure foundation, that they might not be trodden again by the Quakers, Atheists, Deists, and other evil disposed persons."

During the confusion, the white people were suffered to fall on the Indians, to redress their real, or pretended, wrongs, which was attended with direful consequences: for, although they succeeded by such means against one tribe, there were others that took the alarm, when they found that the English broke their faith with the Indians. Every act of violence was not attended with like success, and the next was made accountable for the want of success of the former. Hostilities began in the month of December. Some of the Meherrin Indians, fell on the most distant settlement, on Chowan river, and killed two or three individuals. It was a misfortune that the whites had been allowed to settle on land contiguous to the Indians. This ought to have been prevented, even when not objected to by the natives, on account of the difficulty of preserving a good understanding, between them and the whites, while they lived so near.

4. 1710. Spotswood calls N.C. "a country where there was any form of government."

This summer, some galleys were sent to protect the coasts of Virginia and Carolina, which proved a great relief to those two colonies, laboring under daily alarms and terrible apprehensions, and discouraged by the frequent insults and depredations of the privateers of the enemy, and, often, vexed to stand the helpless spectators of their own losses.

In the winter, the Indians began their irruptions anew. "They," says a letter of a gentlemen in office, of the 25th of December, "daily gather strength, and have again besieged a party of inhabitants, in a small fort they had hastily thrown up for their protection. The distractions, among the white people, gave the Indians all the facility they could wish for destroying us. The late assembly appears to have resolved to sacrifice their country to their private resentments, and because they could not introduce into the government, the persons most obnoxious in the late rebellion and civil war, they will make no provision for defending any part of the country, and are now dissolved without doing any business."

Tranquility was now restored, and continued to prevail, till an election of representatives to the first assembly, under the new administration, took place. Carey's party having been unsuccessful, he protested against the legality of the authority, under which the election had been holden.

At the meeting of the legislature, a law was passed for securing his person, and that of some of his accomplices. Provision was made, for compelling him to account for the moneys he had received during his administration.

These acts are not extant at this day; but colonel Spotswood, then governor of Virginia, in a communication to lord Darmouth, secretary of state, observed, "they were too severe to be justified; and, indeed, showed more the resentment of the makers, for the injuries they had received, than their prudence in healing the distractions of the country."

On the adoption of these measures, Thomas Carey left his seat at the council board, and, repairing to the precinct of his residence, collected a party of armed men, at the head of whom, he bid defiance to the chief magistrate and the legislature. He fortified his house, entrenched it, and raised a battery, on which he placed some cannon. His success, in these measures of defence, emboldened him to act in the offensive. He caused himself to be proclaimed president and commander in chief, and by proclamation established a court of justice; and fitted out a brig, furnished him by a leading Quaker, armed it with six guns, and with her and a *barca longa*, filled with fusiliers, he sallied forth, and came to an anchor with his naval force, near a plantation, to which governor Hyde and his council had removed. On the appearance of this armament, an express was despatched to governor Spotswood, of Virginia, for assistance. The council of that province advised the governor to offer his mediation to both parties, and to endeavor to induce governor Hyde to procure a suspension of the acts passed against Thomas Carey, and the latter to suffer the administration of the government to proceed undisturbed, till the pleasure of the lords proprietors was known.

Governor Spotswood immediately despatched a man, well qualified for moderating the resentment of the par-

ties, with letters to governor Hyde and Thomas Carey. This mediator was well received, by governor Hyde and his council, who declared, that, for the peace of the country, they were ready to yield their assent to any terms that could, with justice and honor, be proposed. Thomas Carey made the same proposition; but an interview having taken place between the contending parties, on the suggestion of the mediator, he treacherously attempted, though without success, to secure the governor and his council, and make them prisoners. Enraged at his failure, he warned the mediator to return to Virginia; and avowed his determination, not to treat otherwise than with his arms.

A few days after, though the conduct of Thomas Carey was sufficient to show what little faith ought to be given to any treaty with him, or his party, the mediator went to him and urged him to declare what his demands were, and prevailed, with difficulty, upon him, to furnish a specification of them. At length, Carey produced a paper containing his proposals, of which he very unwillingly allowed a copy to be taken, which he refused to subscribe. These, with a very trifling alteration, were acceded to by governor Hyde and his council; but Carey still persisted in withdrawing from the terms of accommodation, and the mediator returned to Virginia.

Thomas Carey now increased his naval force, hoisted his flag at the topmast head of his brig, and came within gun shot of the house, within which, the governor and council sat. An express was again despatched to Virginia, to solicit some assistance of men and arms. The queen's council for that province, considering how difficult it was to foresee how far a party of such desperate

men, should they meet with success in their first attempt on the government of Carolina, might carry their disorganizing arms; that the rebellion, excited a few years before, by general Bacon, had at first a much less dangerous appearance; that the insurgents would probably endeavor to seduce their negroes, some of those, in the frontier counties, having been already carried away, to be employed on board of the armed vessel, advised governor Spotswood to raise the militia of the southern counties of Virginia, and send them to the relief of governor Hyde; and application was made to the commander of the king's ships, in Virginia, for some boats to go round and attack Carey's shipping. Before any relief could be sent, Carey attempted the landing of some of his men, under the fire of his brig; but they were repulsed by the militia of the neighborhood, which governor Hyde had time to collect. They returned on board, and their chief sought a safe retreat in the swamps of Tar river, where he raised his standard, and endeavored to bring the Tuscarora Indians into an alliance. For this purpose, he despatched to them Edward Porter, one of his council, who endeavored, by promises of great rewards, to induce them to cut off all the inhabitants of that part of the province, who adhered to governor Hyde. This was acceded to by some of the young warriors; but when the matter was debated in council, the old men dissuaded them from listening to Porter.

Governor Spotswood, in a letter to lord Darmouth, complained of the reluctance he found in the inhabitants of the counties of his government bordering on Carolina, to march to the relief of governor Hyde. These counties were chiefly settled by Quakers, and he imputed their backwardness to the religions precepts of their sect,

especially, seeing that their brethern in Carolina were Carey's main allies, who, not only formerly, acted as his council, and openly supplied him with provisions, and an armed brig, but also took upon themselves military titles in the civil war.

Thomas Carey now retired to the house of one Roach, in Pamplico, which he fortified. This man had lately joined Carey, and was the supercargo of a ship just arrived from London, and he supplied the insurgents with trading guns and ammunition from her cargo.

In the month of July, Carey went to Virginia, where governor Spotswood caused him to be apprehended, in order to make him give security for his good behaviour. While under examination, Carey prevaricated so much, that governor Spotswood shipped him off, on board of a man of war, bound to London.

On the 18th of September, 1710, general Nicholson sailed from Boston, with thirty-six sail, for the reduction of Port Royal: he arrived on the 24th, and landed his troops without opposition: the French threw shells and bombs from the fort, while the English were making preparation for the attack, and a bomb ship in the New England fleet plied on them with her shells. On the first day of October, Subercase, the French governor, was summoned to surrender; a cessation of arms was obtained, and terms of capitulation were agreed upon and signed on the next day: the government of the country was given to colonel Vetch, and the fleet returned to Boston: the name of the town was altered from Port Royal to Annapolis, in honor of the queen.

A statute was this year passed by parliament, for establishing a general post office at New York, for the

plantations on the continent: the preamble states, that posts had been established on the main land in North America; that in her majesty's plantations, Portsmouth, in the province of New Hampshire, the northernmost, and Charleston in that of Carolina, the southernmost town, are mentioned in the statute. (9 Anne, c. 10.) A statute was also passed for the preservation of white and other pine trees, growing in the provinces of New England, New York and New Jersey, for the masting of the royal navy. (9 Anne, c. 17.)

In the following year, the society for propagating the gospel in foreign parts, sent the reverend Mr. Umstead, and the reverend Mr. Rainsford, to North Carolina: the former took his residence in the precinct of Chowan, and the latter in that of Currituck.

Chalmers—History of South Carolina—Records.

CHAPTER XIII.

THE Indians did not always remain idle or unconcerned spectators of the feuds and dissensions that so long prevailed among the whites. The successive and regular encroachments on their plantations and hunting grounds, which an increase of European population did occasion, had not been always submitted to, without a murmur. Although the natives had been at first pleased with neighbors, from whom they could procure spirituous liquors and other articles, which tended to the gratification of their real or imaginary wants, they had viewed with some jealousy the frequent accessions of new comers, requiring at first the surrender of larger and larger portions of their domains, and at last, the removal of families and tribes, from the neighborhood of the bones of their ancestors, to more distant and less valuable tracts of land. Other causes of animosity and ill will had not been wanting: they were determined on securing the opportunity of attacking the whites, while their dissensions rendered them more easily vulnerable. In the beginning of September, they concerted the plan of a sudden and simultaneous attack of every settlement in the colony.

The Tuscaroras were the principal and the most numerous of the tribes that joined in the conspiracy: they undertook the attack on the plantations on Roanoke, and

from that river to that of Pamplico : the Indians who lived on that river, and from whom it received its name, were charged to fall on their more immediate white neighbors : the Cothechneys, who dwelt in that part of the province now known as the county of Greene, engaged to come down and join the Cores, in an irruption on the settlers along Neuse and Trent rivers : and the Mattamusketts and Matchapungos undertook to fall on the plantations in the neighborhood of the town of Bath. Notwithstanding the very great number of individuals, of different tribes, to whom these arrangements must have been made known beforehand, the secret was not betrayed by any. The Tuscaroras, whose principal town had been surrounded by a high pallisade, sent thither their women and children. From thence, on the day preceding the new moon, twelve hundred warriors secretly marched in numberless divisions : detached individuals were sent to reconnoitre, and entered the habitations of the intended victims, under the mask of friendship ; towards night, larger squads appeared, seemingly in quest of provisions. Pretending to be offended, they abused the planters, and at the first, and often before the least, sign of resentment, gave a whoop, and being instantly joined by others from the neighboring woods, began, in indiscriminate slaughter, murdering the grandsire and the father, the aged granddame, the lad, the virgin, and the sucking infant that clung to the bleeding bosom of the mother. One hundred and thirty persons, thus fell on the eleventh of September, in the settlement on Roanoke. Most of the Swiss and palatines, who had flattered themselves with having found, in the deserts of the precinct of Craven,

an asylum against distress and oppression, fell under the tomahawk or the knife. The French Huguenots, in the town of Bath, and the planters around it, were inhumanly slaughtered; the houses and cabins were set on fire, and by the glare of the conflagration the unrelenting foe sought for new victims; with a lighted pine knot in one hand, and the tomahawk in the other, the Indians of each party marched through the woods to a common center, hunting, in drunken gambols, for the few white men who had escaped the desolation of their settlements; they divided themselves into new parties, and scoured the country to the east of Chowan river, and the north of Albemarle sound; the carnage was continued for three days, and did not finish till drunkenness and fatigue disabled the savage foe from further action.

The few colonists, whom fortune favored in their escape, assembled, and for a long time, under arms, guarded their women and children, till assistance could be procured from the southern part of the province, and the neighboring one.

A few days before the massacre, the baron of Graaffenreidt and Lawson left Newbern, attended by a negro, with a view to ascend the river Neuse, to explore the land on its banks: having proceeded to a small distance, they landed to pass the night, and were approached by two Indians, who were soon after joined by about sixty more, well armed: this induced them to return to the boat, to proceed farther up, where they were followed by the Indians, who took from them their arms, provisions and baggage, and compelled them to march with them all night to a considerable distance from the

river, where they were given up to the chief of a village : a council was held, and it was determined to summon the inhabitants of the villages in the vicinity, to decide on the fate of the prisoners. About two hundred Indians met, and forty of them were chosen to compose the council, who strictly examined them on the object of their excursion : they answered, that their intention was to seek a better and shorter road to the plantations of the whites in Virginia, that on the north side of Albemarle sound being distant and bad. The Indians complained much of the conduct of the English, and particularly of Lawson, who, as surveyor general, was instrumental in depriving them of their land. Finally, the council determined on his liberation, and that of Graaffenreidt. However, on the next day, an Indian, who understood English, complained to the others, that the prisoners had spoken disrespectfully of the Indians, and three or four of them fell on them, beat them in a furious manner, and forcibly dragged them back to the village, where the council sat again, and determined on putting them to death.

On the following day, the victims were taken to a large field for execution; their wigs were thrown into a large fire, and they were stripped and compelled to sit down before it : flowers were strewed on them. In this situation, they were kept the whole day and succeeding night : at sunrise, a great number of Indians were collected, to the amount of three hundred ; behind the prisoners was a party who guarded them, and on each side sat the chiefs in two rows; behind these, were the rest of the Indians, jumping and dancing like so many devils, and cutting a variety of infernal and obscene

capers The council again deliberated, and Graaffen-reidt turning to them, asked them whether no mercy could be shown to the innocent, and with what propriety they could put to death the governor of the palatines : one of the Indians made a long and vehement harangue, which softened the hearts of a majority of the council, and it was determined to spare the baron. Lawson and the negro were now put to death, with incredible tortures : his spared companion was detained five weeks in captivity, and at last released.

On the first intelligence of this sad calamity at Charleston, the legislature, with a cheering alacrity, equalled only by the necessity which called it into action, appropriated eighty thousand dollars to the relief of their suffering brethren. Six hundred militia, and about three hundred and sixty Indians, were detached, under the orders of colonel Barnwell.

Governor Spotswood, of Virginia, on the first account of the disaster, sent a detachment of the militia to the tributary Indians of his province, to prevent them joining in the war ; and understanding that the Indians, in some of the Tuscarora towns, had refused to march against the whites, sent messengers to invite them, with the rest of the friendly tribes, to a conference, at the Nottoway line, on the southern border of Virginia, where he met them on the 7th of November. He had drawn together at that place the militia of the three southern counties, amounting together to sixteen hundred men. Three of the Tuscarora chiefs arrived just as he was mustering this force, and was not a little surprised to find such a large body of men, in good order and discipline. The governor, after entering into some con-

versation with the chiefs, had the pleasure to find the report which his messengers had made, from their observations, while in the Tuscarora towns, that they were very desirous of continuing in peace, and were greatly concerned, that any of their nation should have joined in the massacre. He then proposed to them to carry on the war, against the Indians who had commenced it, and to join the queen's subjects in North Carolina, for the extirpation of the assassins; and that for the purpose of giving some assurance for their future good behaviour, they should deliver two children of some great men in each town, who should be educated in the college. The chiefs replied, that they were not authorized to conclude any thing, without the consent of the rest of the nation; they desired time to inform their towns, and promised to return on the 20th. The legislature of Virginia, which sat soon after this, addressed the governor, to request that war might be immediately declared against the Indians who had been concerned in the massacre, and voted twenty thousand pounds for carrying it on; and the queen's council unanimously advised, that the necessary preparations should be made for carrying on the war; and that if the Tuscarora chiefs returned, as had been promised at Nottoway, their alliance and co-operation should be accepted. The chiefs were detained, by the badness of the weather, and the indisposition of two of them, beyond the appointed time: the governor entered into a conference with them, at which the house of burgesses was present. The chiefs, after accounting for the delay that occurred, expressed the desire of the Indians of their towns, to continue in strict friendship

with the whites, and assist them in chastising the authors of the late disorder.

But now an unfortunate difference arose between the governor and the house of burgesses. the latter insisting on the passage of a bill for raising an army in Virginia, without trusting to the sincerity of the profession of the Tuscarora chiefs. The governor refusing to accede to this proposition, the house declined to co-operate in his plans. The dispute ended by a dissolution of the assembly.

Governor Spotswood, in his report of this transaction, to the lords commissioners of trade and plantations, charges the house with want of sincerity, in their proffer of aid to the sister province. "Had they," said he, "really intended to carry on the war against the Indians, they could not have done it in a more frugal way, than by the treaty I concluded with the Tuscarora chiefs. Although this was entered into at the instance of their own house, they have made no provision for enabling me to perform the terms of it. Indeed, some of that house, since the dissolution, owned more freely, than they would do while sitting, that most of the irregularity of their proceedings are owing to some rash votes, passed without foresight, which they could not afterwards get over, without breaking the rules of their house: and so they chose rather to let the country suffer, than to own themselves in an error. The conduct of the late assembly will, in all probability, give a new turn to the humour of the people, and make them choose for their representatives men of more generous and disinterested principles: but I shall first see

some sign of this disposition, before I call a new assembly."

The baron and Indians entered into a treaty of peace, by which it was stipulated that, in case of war between the English and the Indians, the palatines should remain neutral: that no land should be taken up for, or by, the baron, without the consent of the Indians: that there should be a full freedom to hunt in the open country: and that a commercial treaty be entered on, so that justice might be done to the Indians, in the trade carried on with them.

Graffenreidt was five weeks a prisoner, and during that time the palatines were called out, to defend the country, from Edenton. He was, however, soon after retaken, and carried to Virginia.

Apprehensions were entertained that the French, who traded among nations of Indians, not very remote, would find means to unite these Indians with the Tuscaroras, and furnish them with arms and ammunition. The province was ill supplied with the means of encountering an enemy, not otherwise to be reduced, than by a continued pursuit through the woods and deserts; a fatigue which the people were not able long to endure, without the conveniency of tents, to secure them from the weather.

Governor Hyde called out as much of the militia of North Carolina as he could command, but the people had been so long accustomed to resist government, that few could be brought to any order or discipline.

Colonel Barnwell, with his small army, expeditiously crossed the extensive and dismal wilderness,

which then separated South and North Carolina. On his arrival on Neuse river, he was joined by such a portion of the militia of the colony as could be spared from the necessary service of guarding the helpless part of the inhabitants. The Indians, on the first intelligence of the approach of this succour, had chiefly collected their strength into one body. Colonel Barnwell soon came up with them, and pursued them to the upper part of the present county of Craven, where they erected a strong wooden breastwork, on the shores of Neuse river, at the distance of about eighteen miles to the west of the town of Newbern. After a short stay there, having received some reinforcement to their number, they marched out to some distance, but were attacked with much bravery by the forces of South Carolina, and defeated with great slaughter. Upwards of three hundred of them were killed, and one hundred made prisoners. The number of the wounded was not ascertained. The rest retired into their strong hold, where they were surrounded, and after sustaining great loss, sued for peace, which, it is said, was too precipitately granted by colonel Barnwell.

“In all probability,” said a gentleman in high authority, in an official communication to the lords proprietors, two years afterwards, “if colonel Barnwell had done his part, though some of his Indians left him, the war would have been at an end before this time: for colonel Mitchell, a Swiss gentleman, who came in with the baron de Graffenreidt, having continued to draw the trenches within eleven yards of the Indian fort, raised a battery, in which he had placed two large guns, and collected a quantity

of light wood and brush between the end of the trenches and the pallisade of the fort. The Indians within, who were all those concerned in the massacre, would have surrendered unconditionally, if a shameful capitulation had not taken place.

“The storming of this fort, which contained the greatest part of our enemies, would have so much dispirited the rest, that they would have complied with our own terms, and abandoned the country, and our people would have been encouraged by the capture of so many slaves.”

Colonel Barnwell returned to Charleston soon after the surrender of the fort. It was called after him; and the remains of it, which are at this day visible, still retain his name.

In the month of May, governor Hyde received his commission from Henry, duke of Beaufort, the palatine, bearing date the 24th of January preceding, and he was qualified under it on the 9th of May. His instructions required him “to use with all gentleness those who were deluded, and with a little severity those who were concerned in the late disorders, as was consistent with law and justice. And, as it must of necessity have happened, that, during the commotions, some unfortunate persons should have suffered much in their estates, the lords proprietors desired that restitution might be made to them, if possible, to the full, and if that could not be, as far as the governor could.” He was further required to send to the lords proprietors as exact an estimate as he could make of the sufferings of the people. He was authorized to dispose of vacant land, in tracts of six hundred and forty acres each, at the rate of one pound

sterling for every hundred acres, subject to a quit rent of one shilling. He was directed to forward copies of all the proceedings of his government to the lords proprietors, by the way of the province of Virginia, or the island of Barbadoes. His title was governor of that part of the province of Carolina, which lies to the north and east of the river of cape Fear.

The other principal officers of the province were, at this time, Christopher Gale, chief justice, Edward Benwick, attorney general, Daniel Richardson, receiver general, Anthony Stafford, surveyor general, and Tobias Knight, secretary of the province.

The expenses of government did not cost the proprietors more than three hundred and eighty pounds sterling a year; two hundred of which were paid to the governor, sixty to the chief justice, and forty to each of the attorney general and secretaries in the province and in England.

In pursuance to his instructions, governor Hyde issued a proclamation of pardon, in favor of all persons concerned in Carey's rebellion, except Thomas Carey, Emmanuel Law, John Porter, Edmund Porter, and William Tittel.

The assembly sat on the 12th of March. A messenger was sent to the Sapona Indians, to procure them to join the province against the Indians in arms, and to promise them protection in the mean while for their women and children. Forts were directed to be built at Core Sound and at a Mr. Reading's, on Tar river: the first was to have a garrison of thirty men, and be called Fort Hyde, the second to be garrisoned by ten men only.

On the application of governor Spotswood, the Indians, in whose town in Virginia the baron de Graaffendreidt was detained as a prisoner, released him, and he was permitted to return to Newbern : the palatines and Swiss, who had escaped the massacre, were permitted to join him, after he had engaged his word, that he and they would remain perfectly neutral during the war : he lived undisturbed by the Indians, but was persecuted by the whites, for not breaking peace with their common enemy : yet, they would not supply him with provisions or ammunition, though no doubt was entertained of his willingness to carry on the war, if the means were supplied, for it were madness in him to expose himself and his countrymen to the fury of the savages, without some better assurance of help, than that which the confused state of the colony held out, as the Indians would soon destroy his settlement, or compel him to abandon it, by killing his cattle and preventing the planting or raising any corn. The colony, however, derived great advantage from his neutrality, as it enabled him to discover and communicate any plan of attack, at the risk of paying dear for it.

On the 12th of June, James Fenton was sent to Charleston, to solicit a further aid.

In the summer, disease added its horrors to the distresses of the war : an epidemic, of the kind of those which have since ravaged, in the summer, the sea port towns of the United States, and are known by the appellation of the yellow fever, scourged the few inhabitants who remained ; men fell like leaves in autumn : on the eighth of September, governor Hyde became a victim of it.

On the 12th, the lords proprietors' deputies made choice of Thomas Pollock, the deputy of lord Carteret, as president and commander in chief. This gentleman, in his first official communication to their lordships, after his election, describes the situation of the country in the following words :

“ The people of this government are greatly impoverished ; the inhabitants of Pamlico and Neuse have most of their houses and household goods burnt, their stock of cattle, horses and hogs, killed or carried away, and their plantations laid waste by the Indians ; they are obliged to secure their families in forts, and we, who live on the south and south-west of Chowan river, are under the same necessity. The farmers of the county of Albemarle have to supply the whole of the county of Bath with grain, not only for the use of the inhabitants, but also for the support of their own militia, which they have sent thither, and of the forces that are come from South Carolina. By this mean, their trade is ruined, and the vessels, that are come into Albemarle sound, of late, have not been able to procure any loading, except a few barrels of tar, so that the people have not wherewith to pay their debts ; few can procure clothing for their families.

“ The province is very largely in debt, for the pay of the militia, which has been kept in actual service, for arms, ammunition, provisions, and the expenses of sending expresses to the neighboring governments.

“ The war with the Indians still rages ; disobedience to the constituted authorities, and intestine divisions, still prevail among us. The want of the means of discharging the arrearages of pay due to the men who are out, is a serious cause of discontent, perhaps the greatest mis-

chief of all : for albeit, an act was passed by our legislature, at their last session, imposing a penalty of five pounds on those who refuse to march against the Indians, when called out, yet few men could be induced to leave their homes ; and although governor Hyde, a short time before his death, attempted to levy this penalty, he found but few persons willing to assist in putting the law into execution.

“ We have now no more than from one hundred and thirty to an hundred and forty men on Neuse river, under the orders of colonel McKee and colonel Mitchell : these officers cannot attempt any thing with this handful of men : they, however, expect a reinforcement from South Carolina.

“ Some of the Tuscarora chiefs have lately been with governor Spottswood of Virginia, and pretend a great inclination to peace : they are again to be with him on the 26th of this month : we are to send two agents to meet them there, Mr. Tobias Knight and major Christopher Gale, not from any expectation that the governor will make any treaty for us, for that would be dishonorable to your lordships, and make us appear contemptible in the eyes of the Indians, but with a view to hear what they have to propose. I believe, however, that this pretended desire for peace is only a scheme, to gain time until they can gather their corn, secure it in their forts, and see whether they are to have any assistance from the five nations.

“ Your lordships may see,” continues the president, “ what difficulties we are placed in : our enemy strong, numerous, and well provided with arms and ammunition : our people poor, dispirited, undisciplined, timorous, divided, and generally disobedient, without arms

or ammunition; the few who are willing to turn out, unable to procure their pay, cannot obtain necessary clothing, to support the severity of the weather in the woods; if the legislature of South Carolina had not assisted us with their militia and Indians, Neuse and Pamlico would be entirely deserted, and probably a great part of the county of Bath."

The communication concludes, by conjuring their lordships to consider, that "the people, who undergo these distresses, are Christians, the subjects of the queen and the tenants and vassals of the lords proprietors, venturing their lives and spending their estates in the defence of the province, and to lose no time in forwarding a supply of arms and ammunition."

In a letter of a later date, to lord Craven, one of the lords proprietors, president Pollock attributes the calamities that desolated the country, to "the machinations of the Quakers." "Our divisions," says he, "chiefly occasioned by the Quakers and some other ill disposed persons, have been the cause of all our troubles: for, the Indians were informed by some of the traders, that the people who live here are only a few vagabonds, who had run away from other governments and settled here of their own accord, without any authority; so that, if they were cut off, there would be none to revenge them. This, with their seeing our differences rise to such a height, that we, consisting of two counties only, were in arms one against another, encouraged them to fall upon the county of Bath, expecting it would have no assistance from this, nor any other of the English plantations. This is the chief cause, that moved the Indians to rise against us, as far as I understand."

“The Quakers, with their adherents, have been a great occasion of the war: for they, with two or three persons, (not in such posts of profit or trust in the government as they desire) have been the chief cause that the war has not been carried on with the vigor it ought to, by their disobedience to the government, and the encouragement they gave others to imitate them. In some of the precincts, being the most numerous in the election fields, they chose such members of the assembly as would oppose what was necessary to carry on the war. The generality of the people, seeing that the Quakers, from their disobedience and opposition to the government, rose actually in arms, and attacked the governor and council, without any manner of punishment, were emboldened to do the like, and seemed to want a leader only, to raise another insurrection.”

President Pollock, a few days after his election, received information from Charleston, that the legislature had directed governor Craven to send one thousand Indians and fifty white men, to the relief of the inhabitants of the county of Bath, under the orders of colonel James Moore, a son of the late governor Moore, of South Carolina: governor Craven, in conveying this intelligence to president Pollock, assured him he was so anxious to expedite this succour, that he would march with it, as far as the boundary of the two settlements.

The legislature of the province of Virginia appropriated a sum of three thousand five hundred pounds, to be laid out under the direction of governor Spotswood, in assisting the people of Carolina in carrying on the war; and a further sum of six hundred pounds, was ordered to be invested in blankets and coarse woollen clothes, to be immediately forwarded for the use of their troops.

Tom Blunt, the headman of the Tuscaroras, with the chiefs who were to meet the commissioners of North Carolina, at governor Spotswood's, instead of attending there, came to president Pollock, to induce him to consent to a termination of hostilities, and the restoration of trade. The president utterly refused to listen to him, unless he would engage to bring Hancock, a chief of his nation and his kinsman, who had been one of the contrivers of the late massacre, and cut off and bring the scalps of six other Indians, who had been uncommonly active in it. He promised to do so, and begged some ammunition for that purpose. The president refused to supply him with any, unless he would bring twelve hostages, from each of his towns or forts. He appeared satisfied with this proposal, and said he was sure of the assent of some of his towns, and hoped for that of all. He went away, promising to be back by the middle of October, when he would accompany the colony's agents to Virginia.

At the appointed time, he appeared with fifteen of his men, saying, he had been in pursuit of a party of the Cothechney Indians, on the north side of Pamlico river; that one of his men had seen Hancock there, but accompanied with such a number of his adherents, as precluded the hope of securing him; that he was going with a large party in quest of him, and would hunt with them in his company, in order to catch the opportunity of finding him alone, and after he had secured and brought him, he would go to Virginia. The president gave little credit to the promises of a man capable, from his own account, of acting with so much treachery to one of his own nation, his kinsman too, but concealed his distrust, lest the Indian, finding that he had nothing

to hope, should join the rest of the Tuscaroras, against the whites.

On the 25th of November, however, preliminary articles of peace were entered into, between the president and council, and Tom Blunt, Saroonah and four other headmen of the Tuscaroras.

The Tuscaroras promised to make war against the Cothechneys, Core, Neuse, Bear river, and Pamplico Indians, and not to give quarter to any male individual of either of these tribes, above the age of fourteen, to capture and sell to the English, all those of and under that age; and that as soon as these tribes were destroyed, or sooner, if it were desired, they would join the English in an attack on the Matchapongos.

They engaged to surrender all the prisoners, arms, horses and negroes, taken from the English, and to forbear hunting or ranging near the plantations or stocks of the English, without leave, or with it, in a larger number than three at any one time, and to relinquish all claims to the land on the south side of Neuse river, below Cothechney and Bear creeks, on the north side of Pamplico river.

They bound themselves to pay, after a general peace, such a tribute, as should be agreed on, and that, in the meanwhile, no further injury should be the cause of hostilities, that should not be redressed by satisfaction, assessed by persons appointed for that purpose.

They agreed to deliver, at the house of the president, before the next full noon, six of the principal women and children from each town, as hostages, unless, before that time, they had destroyed the enemy.

Lastly, they promised to endeavour to bring alive to some of their towns, ten Indians named in the treaty,

who had been the foremost in the massacre, and to send runners to fort Reading, who were to give two whoops and show a white cloth, as a signal, and to pilot such persons, as might be sent from the garrison, to see execution done on these murderers.

The reinforcement from South Carolina, under the orders of colonel Moore, reached Neuse river a few days after the signature of these preliminaries: the provisions in that neighborhood being quite exhausted, the president requested the colonel to march his men into the county of Albemarle, where they could refresh themselves and wait till supplies could be sent round. This increase of numbers, in the northern part of the colony, was productive of great inconvenience and murmur; the planters loudly complained of their inability to provide for their guests. The South Carolina Indians grew so unmanageable, that many of the inhabitants of the county of Albemarle showed more disposition to turn their arms against those troublesome allies, than to march with them against the common enemy.

With the view of ascertaining whether any dependence could be placed on the promises of Tom Blunt, no order was given for the march of the troops into the county of Bath, until the middle of January.

On their way thither, they stopped at Fort Reading, on the south side of Pamlico river, where they were detained, by a very heavy fall of snow, till the 4th of February. The enemy, on the first intelligence of colonel Moore's approach, sought their safety in flight, and finally entrenched themselves in Fort Nahucke, which they had built, at no great distance from the spot, on which the court house, of the county of Greene, now stands. On the 20th of March, the colonel laid siege

to, and in a few days became master of it. On its surrender, eight hundred prisoners were made. The loss of the Indians, in killed and wounded, was great; but no materials exist, by which it could be ascertained. Colonel Moore had twenty-two whites, and thirty-six Indians, killed, and twenty-four whites, and fifty-six Indians, wounded. The South Carolina Indians, secured as many slaves among the Indian prisoners, as they could, and made the best of their way towards Charleston. One hundred and eighty of them only, remained with their commander. Colonel Moore, in making his report of the siege, to the president, tendered him the continuance of his services, and offered to retain his small force, in the settlement on Neuse river. The president judged it of the utmost importance, that the blow should be vigorously followed up, to the utmost of the power of the colony, till the enemy was compelled to submit, which was likely to happen soon, as the Indians were greatly dispirited by their late defeat; and were now convinced how little dependence they could place in their forts. He called a meeting of the council, for the 15th of April, and requested colonel Moore to attend, in order to afford them the benefit of his sentiments.

This year, a violent storm opened a new inlet, about a mile south of the old one, (Currituck) since which, the latter river entirely choaked up, and grew smaller and smaller every day.

On the meeting of the council, it appeared that the stock of provisions in the possession of the colony, consisted of only eight hundred bushels of corn, and thirty-two barrels of meat. The most sanguine did not believe, that the greatest efforts could procure more

than fourteen hundred bushels of corn; in addition thereto, governor Craven had written that he would send two or three hundred Indians more. This force, added to that under the orders of colonel Moore, was not sufficient to pursue the Indians with effect; and if a greater number could be obtained, there was no probability, that the colony could afford them subsistence; few farmers having corn enough for the use of their families till harvest. The council were of opinion, that the colony being unable to enter into a new campaign, it was best to make an honorable peace, if possible, while the smart of the last blow was still fresh.

The definitive treaty was, accordingly, concluded. Tom Blunt was, in consequence of his fidelity, and the services rendered to the English, made and acknowledged, king and commander in chief of all the Indians, on the south side of Pamlico river, under the protection of government; and a firm and lasting peace, with him, and all the tribes that might acknowledge him as such, was declared. On his part, he engaged to deliver up twenty of the chief contrivers of the massacre, to be named by government. He promised to pursue to destruction, the Cothechneys, Matchapangos, and all other tribes, at war with the English, and bound himself to attend the next legislature, with three hostages from each of his towns.

The council obtained from him information that the Indians who were not in Fort Nahucke, had retreated to Fort Cahunke; at the distance of about forty miles to the south west of the former, and hearing of the surrender of Fort Nahucke, had abandoned the fort and had scattered; the greater part of them going up Roanoke river. Conaquani, a Tuscarora chief who had

lately returned from Albany, where he had attended a meeting of the English commissioners, was endeavoring to dissuade Tom Blunt from making peace, telling him the English were amusing him with fair words, to keep him from doing any mischief; but that, when they would have destroyed the rest of his nation, they would in turn, fall upon him. The desire of having on the frontiers, friendly Indians, who might guard the distant plantations, from the insults of straggling parties; and the consideration, that, if Tom Blunt attended the legislature, according to his promise, and the treaty was confirmed by them, there would only be the Cothechneys, Core, and Matchapungos to reduce, the motives that induced the council to offer these terms.

A party of the Matchapungoes, in the last days of the month of April, fell on the western part of the precincts of Currituck, on Alligator river, and killed twenty white inhabitants: and colonel Moore sent a party of his Indians to protect that settlement.

The legislature met early in the month of May. Tom Blunt, attended with his hostages, and the treaty made with him, by the president and council, was confirmed. In settling the claims on the public treasury, to which the war had given rise, the ordinary resources of the colony appeared quite insufficient. Recourse was had to the press: an emission of bills of credit, to the amount of eight thousand pounds, was issued, and a law was passed, making the bills, then already in circulation and those now to be emitted, a tender in discharge of all sums, due on contract, for rated commodities.

This is the first emission of a paper currency, in North Carolina; and there are no means of ascertaining,

whether the bills that were in circulation, before this time, were some of those that had been emitted in the southern part of the province, since the year 1706, after the return of the expedition against St. Augustine. It appears that the bills were not made a tender in all payments, but only in case of contracts, made in rated commodities. The extreme scarcity of the precious metals, had thus early taught the inhabitants, to substitute the contract of barter for that of sale, and rate the principal articles of the produce of the country, by a legal tariff, so that payment might, in all cases of barter, be effected by the delivery of any kind of produce, the debtor might offer. Contracts, for the payment of money, were not affected by the new act. From that day to the present, the experience of one century has not enabled the people to carry on ordinary dealings between man and man, without the aid of paper money.

Immediately after the adjournment of the legislature, colonel Moore sat off for Pamplico, in order to collect his Indians, whom he had ordered to range on the lands of the Tuscaroras, with a view to watch their motions, and to obtain the earliest intelligence, in case of their embodying for a new attack. The colonel marched with them against the Matchapungoes, who occupied that part of the country, which is now known as the county of Hyde; and president Pollock sent a body of militia by water, to effect a descent on their lands. On the approach of these forces, the Indians sought a shelter in the Dismal Swamp, a vast desert, one hundred miles in length, and of considerable breadth, full of lakes and quagmires, in which it was impossible for the whites to follow them: they had with them, portable canoes, with which they reached its most distant extremities.

Colonel Moore's Indians were of peculiar service on this occasion: they hunted out the foe, made several prisoners, and brought a considerable number of scalps.

From thence, the militia and allied Indians, marched to that part of the country, near which, the present town of Beaufort stands, where they vigorously attacked and despatched a party of the Core Indians, who were lurking about on the south side of Neuse river, occasionally destroying the settlers, about the town of Newbern, or crossing the sound, joined the Matchapungoes, in their irruptions on that of Bath. Colonel Moore destroyed a great number of canoes, which they had collected, burnt their town and laid their plantations waste.

In the latter part of June, the Tuscaroras, who had again occupied Fort Carunche, evacuated it and joining the rest of the nation, on Roanoke river, abandoned Carolina. They migrated northerly, towards Canada, near the south east end of lake Oneida, on the shores of which they settled. They were admitted into the confederacy of the five nations, which, from this time, were known by the appellation of the Six Nations: the Tuscaroras becoming the sixth member in the union.

Of the thousand Indians, who had accompanied colonel Moore from Charleston, one hundred only, were now with him. In the latter part of the month of August, the Matchapungoes and the Cores, having sued for peace, Tom Blunt, and the few individuals of his nation, who had remained behind, continuing tranquil, and forming a sufficient barrier between the back settlements and the Cothechneys, colonel Moore returned, by water, to Charleston.

“The differences and divisions among the people,” said president Pollock, in a letter to lord Carteret, of the 15th of October, “have, in a manner subsided; most of our enemy Indians killed, taken, submitted, or fled, so that there are, but forty or fifty individuals hovering on our frontiers, that we can hear of. The Quakers, though very refractory under president Glover’s and governor Hyde’s administrations, since I have been entrusted with the government, I must needs acknowledge, have been as ready, in supplying provisions for the forces, as any other inhabitants of the province.”

Chalmers—History of South Carolina—Records.

CHAPTER XIV.

ON the 30th of March, 1713, peace was concluded between England and France. Louis XIV. recognized the succession of the British throne in the protestant line. The bay of Hudson was declared to belong to Great Britain, *a titre de restitution*, and Nova Scotia, hitherto called Acadia, Newfoundland and the adjacent islands, *a titre de nouvelle acquisition*. The exclusive right of fishing on the coast of Nova Scotia was given to Great Britain. The French retained l'isle Royale and that of Cape Breton. Commissioners were agreed to be appointed to settle the limits of the American dominions of both nations.

Peace was at the same time made with Spain. She ceded to Great Britain Gibraltar and the island of Minorca. Independently of these two very valuable acquisitions, Great Britain acquired two very important advantages, *el pacto de el assiento de negros*, and an implied recognition of their claim to the log-wood trade.

El pacto de el assiento de negros, was a contract which secured the British the privilege of supplying, in exclusion of Spanish subjects, several parts of Spanish America, with negroes. This privilege had at first been enjoyed by the French Guinea Company, under a convention, which began the 1st of Septem-

ber 1701, and ended on the same day, in the year 1712. The British had applied themselves to thwart the operations of that company, which was inclined by its losses to quit that service. The British obtained it on the 26th of March 1713. The treaty between France and Spain, however, left some share of it to the French, but as the British had obtained better prices than those given to the French, the latter were soon evicted. This traffic, although to be confined to the islands, opened the way to the main, and to the commerce that it facilitated, was one of the motives of the war which the peace of Utrecht terminated.

The clause of *uti possidetis* in the treaty between Great Britain and Spain, in the year 1670, which allowed, in the opinion of the former, the right of the English to cut logwood in the bay of Campeachy was recognized, and confirmed, "without any prejudice, however, to any liberty or power, which the subjects of Great Britain enjoyed before, either through right, sufferance or indulgence."

On the 13th of July, the duke of Beaufort, palatine of Carolina, granted a commission to Charles Eden, as governor of North Carolina. He arrived in the spring of the following year, and qualified on the 28th of May. His instructions differ very little from those of governor Hyde. He was directed not to allow the survey of land, at a greater distance than twenty miles from the rivers Cape Fear and Trent. The quit rents were now fixed at ten shillings sterling for every thousand acres. The expenses of government were now encreased: they amounted this year to upwards of nine hundred pounds sterling. The salary of the chief magistrate was raised to three hundred

pounds. The sale of land and the collection of quit rents did not produce to the treasury much more than eleven hundred pounds, and the net revenue was one hundred and sixty-nine pounds, seven shillings and ten pence. One half of a century had already elapsed since the lords proprietors had obtained the king's charter, for perhaps the most unexampled concession of land. They had spent considerable sums of money in peopling and governing their province, and yet, at this very late hour, it hardly yielded a revenue of twenty pounds a year, to each of the eight proprietors.

Governor Eden found the part of his province in a state of incipient convalescence. He visited its precincts and was every where received with marks of cordiality and respect. He found every where the planters returned on their farms, endeavoring to retrieve, by agricultural labours, the losses which they had sustained during the war.

It does not appear that there was any meeting of the legislative body during the first year after the governor's arrival. It is believed there was none, as there was one on the preceding year, and the sessions of that body were biennial.

On the 24th of May, Henry, duke of Beaufort, the palatine, died, and was succeeded in that dignity by John, lord Carteret.

On the 1st of August, queen Anne died, and in the fall George I. was proclaimed, as the lawful sovereign of the British empire, and of the province of Carolina.

In the month of February, the governor and coun-

cil concluded a treaty of peace with the Core and Matchapungo Indians. The two tribes were so reduced in numbers that they united in one settlement, and lands were allotted to them near Mattamuskeet lake, in the precincts of Hyde. An agent was appointed to reside in their neighborhood.

The storm, that had just subsided in the northern part of Carolina, now broke out with increased fury in the south. All the tribes of Indians, from Cape Fear to Florida entered into a confederacy for the destruction of the whites. The principal tribe of the Yamassees, who dwelt on the back of Port Royal island, acted in this tragedy the same part which the Tuscaroras had performed four years before on Roanoke. On the 25th of April, about break of day the cries of war gave universal alarm, and in a few hours about ninety persons were massacred in Pocatigo and the neighboring plantations. A captain of militia, escaping to Port Royal, alarmed the town, and a vessel happening to be in the harbour, the inhabitants repaired precipitately on board, sailed to Charleston, and thus providentially escaped a massacre. A few families of planters on the island, not having timely notice of the danger, fell into the hands of the savages. While the Yamassees were thus falling on Port Royal, the Sauras, Saponas and Sissipahaw tribes who dwell towards the river of Cape Fear ran down upon the plantations, between that stream and Charleston. The city itself trembled for its perilous situation. In this hour of terror, although there were not on the muster roll of this part of the province, more than twelve hundred men fit to bear arms,

the governor resolved on collecting as much of this small force as he could to march against the enemy. He proclaimed martial law, and laid an embargo on all ships to prevent either men or provisions from leaving the country. The Indians having murdered a family on a plantation to the north of Charleston, at the distance of about fifty miles, captain Barker, at the head of a party of ninety horsemen, marched towards the foe; but, being compelled to confide in an Indian guide, was treacherously led in an ambuscade, where he was slain, with the greater part of his men: the rest retreated in confusion. A party of about four hundred Indians came down on lower Goose creek, where seventy men and forty negroes had surrounded themselves with a breastwork, with the resolution of maintaining their post. Discouraged, however, about as soon as attacked, they rashly agreed to terms of peace; but, on admitting the enemy within their works, they were barbarously murdered. The Indians now advanced towards Charleston, but were repulsed by governor Craven, at the head of the militia. The Yamassees, in the mean while, with the tribes near them, had spread desolation through the parish of St. Bartholomew, and proceeded down to Stono. Governor Craven's men, advancing with cautious step, dispersed their straggling parties, until he reached the Saltcatchers, where the Indians had pitched their main camp. Here was fought a severe and bloody battle, from behind trees and banks; the Indians, with their terrible war whoop, alternately retreating and returning with redoubled fury to the charge. The governor, undismayed, pressed closely on with

his militia, pursuing the Indians over Savannah river. The enemy sought shelter in the province of Florida, where they were hospitably received. During this war, four hundred white inhabitants were slain.

Intelligence of its breaking out did no sooner reach the Core and Matchapungo Indians, than they attempted to avail themselves of the confusion, which the alarm created in the county of Bath, by irruptions on distant plantations, where they slaughtered several individuals. Governor Eden called out a part of the militia and prevailed on some of them to march to cape Fear and Charleston, if needed, to the aid of the white people there. Colonel Maurice Moore headed a troop of horse on this service.

Three small forts were now erected on the Congaree, Savannah and Apalachicola rivers, to protect the province of Carolina against the excursions of the Yamassees from Florida.

On the 13th of September, governor Eden issued his proclamation for convening the legislative body on the 15th of November. Hitherto, for several sessions, it had assembled in the church of the precincts of Chowan. It was now directed to meet on the plantation of John Hecklefield, one of the lords proprietors' deputies, on Little river, the stream that divides the counties of Pasquotank and Perquimans.

The acts, that were passed at this session, are the oldest at present on record, that have survived the ravages of time. It is believed a revision of all former acts was had at this period: certain it is that, on the rise of the legislature, there remained no acts in force, except such as were passed or confirmed dur-

ing the session. They were directed to be printed, but as no printed copy is extant, and manuscript ones may be found in some libraries, it is imagined the order of the legislature in this respect was never carried into execution. A specific tax of one bushel of Indian corn, upon every titheable inhabitant was laid for the support of some forces, which it was judged still necessary to keep on the frontiers for the defence of the back settlers, and to discharge part of the debt due to the government of South Carolina. The extreme scarcity of a circulating medium again induced the legislature to resort to the press, and an emission of twenty thousand pounds in bills of credit was ordered. We have seen that eight thousand pounds had been emitted in 1713. A clause in the act, passed for the new emission, induces a belief that several others had preceded, and rendered some palliative necessary. The act denounces any member of a future legislature, who may move any proposition, in the opinion of the house, derogatory or prejudicial to the credit of the bills about to be emitted, or to any new emission, as an enemy to the lords proprietors and the province. If the man hold a seat in the upper house, he is to be fined in the sum of twenty pounds and his seat is to be vacated till the pleasure of the lords proprietors be known; if he be a member of the lower house, he is to be fined in the same sum and expelled from the house, and declared incapable of ever holding a seat therein. A tax was laid for raising annually the sum of two thousand pounds, to be applied to the redemption of the bills. An act was passed for establishing the church

of England and the election of vestrymen; but provision was made, at the same time, for liberty of conscience, and for the substitution of a solemn affirmation, in lieu of an oath, in favor of the Quakers. An act was passed for establishing the town of Carteret, on the island of Roanoke. This island, remarkable only as the cradle of the first English colony in the new world, must have had at this time a proportionably greater population, than it now enjoys. However, it seems, in the language of Thomas Jefferson, the legislature, in this instance, said there should be a town, where nature had said there should be none; for no vestige remains of the town, besides its name in the few copies of the acts erecting it, which are extant. Provision was made for pilots at Roanoke and Ocracock inlets, for roads and ferries, weights and measures, the building of mills, the suppression of vice and immorality, and for keeping the 22d of September, the anniversary of the late massacre, as a day of fasting, humiliation and prayer; a duty was laid on the tonnage of vessels, to supply ammunition for a public magazine; priority was given to debts contracted in the country; the damage on bills of exchange was regulated; the rate and place of delivery of staple commodities were fixed; the fees of officers ascertained; the election for members of the legislature regulated; the rights and duties of masters and servants settled; a court law was passed; the common law and some English statutes introduced: indeed, the acts of this session appear to form a complete code.

In the latter part of the session, Edward Moseley, the speaker of the assembly, and some of the other

members, who had supported president Carey during his insurrection, and had since opposed governor Hyde, carried through the house a number of resolutions, censuring the present administration. They voted, "that the impressing of the inhabitants or their property, under pretence of its being for the public service, without authority from the assembly, was unwarrantable, a great infringement of the liberty of the subject, and very much weakened the government, by causing many to leave it: that the late treatment of the Core Indians, contrary to the treaty made with them, and the tenor of an act of assembly relating to Indian affairs, was injurious to the justice of the government and likely to involve it in war: that such persons as refuse to take the public bills of credit, in payment for fees or quit rents, or demand or receive any allowance for taking them, very much lessen their credit, and are guilty of a very great breach of the act of assembly."

The house appointed Edward Moseley, Joseph Jessup, Thomas Boyd, William Swann, John Porter, Frederick Jones, and D. McFarlane, or any four of them, a committee, with full power and authority to represent the deplorable circumstances of the colony to the lords proprietors, and entreat them to accept the public bills of credit for the purchase of land and the payment of quit rents, as well in that government, as in that of South Carolina.

The upper house reprobated these resolutions, as being clandestinely obtained, not having been communicated to them, as tending to the infringement of the authority of government, whose undoubted pre-

rogative it was to suppress invasions and insurrections, and provide against unforeseen emergencies: as attacking the prerogatives of the lords proprietors, and creating in them jealousies of the faithful services of their officers in the province: and, as intended to give ill and disaffected persons an opportunity of clandestinely venting their malice, to the lords proprietors, against the present administration, under colour of the authority of the people.

In the summer, the governor issued a proclamation for dissolving the assembly.

It appears that there were, at this time, two thousand taxable inhabitants in the settlement, and that one million of acres of land had been granted by the lords proprietors.

The lords proprietors, disregarding the remonstrance and petition of the assembly, instructed their receiver general, in Carolina, to demand the price of land, and the quit rents, in sterling money.

The province of Virginia having procured from the Indians the cession of a vast tract of land, beyond the Apalachy mountains, governor Spotswood formed the design of raising a company, who should acquire those lands from the crown, and settle a colony there. But the good understanding, that then prevailed between Great Britain and France, prevented the success of his scheme. It went, however, so far into effect, that three millions of acres were granted by the colony to the west of the Apalachy mountains. The plan of the governor was, about half a century after, improved on, by the establishment of the Ohio company.

Experience having shown that the punishments, inflicted by the laws in force in the mother country, against persons guilty of robbery and larceny, had not proven effectual to deter the wicked; and many offenders, to whom the royal mercy had been extended, on condition of transporting themselves to America, having neglected to perform the condition of their pardon, but returned to their former practices, came at length to an ignominious death; and there being in many of the American colonies a great want of servants, who, by their labour and industry, might be the means of improving, and making them more useful to the mother country, a statute was passed, (4 Geo. I. c. 11.) by which persons, convicted of clergyable offences, were directed to be transported for seven years, to the king's plantations and colonies in America: persons convicted of mitigatable offences, to whom the king might extend his pardon, and receivers of stolen goods, were transported for seven years. Transported persons, returning before the expiration of the time, for which they were transported, were to be punished capitally; and, with a view to encourage a more useful class of emigrants, merchants and others were permitted to contract with persons, between the ages of fifteen and twenty-one, willing to be transported, and enter into service, in any of his majesty's colonies and plantations in America, for their services during the period of eight years.

The few individuals of the Tuscarora nation, who had remained with king Blunt, on the migration of the main body of the nation towards the lakes, had land allotted to them on Pamlico river. The smallness of their number, disabling them from resisting the attacks

of the southern Indians, governor Eden and the council, on the 5th of June, entered into a treaty, by which the land on Pamlico was abandoned by the Indians, and another tract granted to them, on Roanoke river, in the present county of Bertie, in consideration of which, they relinquished all claims to any other land in the province. The descendants of these Indians, at this day, though removed to the northern lakes, still retain their right to the land, thus granted them, and have, at various times, sent agents to collect the rents accruing thereon, in which they have been assisted by the legislature.

Merchants and masters of ships had, in their trade to America and the West Indies, suffered much from the barbarity and depredations of pirates. On their complaint to the king in council, a proclamation had been issued, promising a pardon to all pirates who should surrender themselves within the space of twelve months: and at the same time a force was ordered to sea, to suppress them. The island of Providence being their common place of resort, captain Wood Rogers sailed with a few ships of war against the island, and took possession of it for the crown of England. It will be recollected, that this island, with the rest of the Bahamas, had, in 1665, been granted to the lords proprietors of Carolina, who had made efforts to settle a colony in these parts. All the pirates, except one Vane, with about ninety others, (who made their escape in a sloop) took the benefit of the king's proclamation and surrendered. Rogers, who was constituted governor of the island, formed a council, appointed civil and military officers, built forts, and

from this time the trade of the West Indies was well protected against those lawless plunderers.

They were not yet, however, extirpated from the southern shores of the continent. About thirty of them took possession of the land at the mouth of cape Fear river, the plantations which had been, about forty years before, begun in this part of the province, having been long since abandoned. They infested the coast of Carolina, and did immense injury to the commerce of Charleston. Governor Johnson of South Carolina, resolving to check this alarming evil, sent out to sea a ship of force, which captured one of their sloops, and brought Steed Bennet, the commander, and about thirty-nine men, to Charleston. The governor soon after embarked in person, and sailed in pursuit of an armed sloop, which, after a desperate engagement, was also taken. Two pirates, who alone survived the action, were instantly tried, condemned and executed. Bennet, and his crew, were also tried, and all, excepting one man, were hanged.

Edward Teach, commonly called Black Beard, a noted freebooter, still made the coast of Carolina the station of a small squadron, which he commanded. His flag was hoisted on board of a forty gun ship, the crew of which consisted of one hundred men. He had with him six other vessels. Bennet, before his capture, and Vane and Wirley, were the officers next in grade to him. The inlets of Ocracock and Topsail and the river of cape Fear, were the places from which they sallied forth, and to which they retreated for safety. In the month of May, Teach came to

cruise before the bar of Charleston, with his forty gun ship. Having captured a ship, on board of which Samuel Wragg, a member of the council of the province of South Carolina, had taken his passage, he robbed that gentleman of six thousand dollars, in specie, and taking him on board of his ship, as a prisoner, with several other passengers, sent four of his men to Charleston, to demand of governor Johnson, a chest of medicine, threatening to behead Samuel Wragg, and the other passengers, unless the chest was sent. The pirates staid in town some time, walking publicly along Main street, while they waited for the governor's answer. At last, the desire of saving the life of the prisoners induced a compromise, and the pirates were suffered to return on board, unmolested, with the chest.

Soon after, Vaughan, one of Teach's captains, lying off the bar, sent in a like insolent message. The indignation of the people was raised, and some ships were fitted out, for the purpose of taking him, but Vaughan, having had intimation of their intention, escaped.

Teach came into North Carolina, where he intended to break up his company, and secure the plunder he had collected, and proceeded to Eden's house, with twenty of his men, where, pleading the king's pardon, they obtained the governor's certificate. A court of admiralty being soon after held at Bath, Teach obtained the condemnation of a sloop, as a good prize, although he never had a commission. He now married a young girl, his thirteenth wife, and having spent some time rioting in Pamplico, he sailed on a cruise,

and shortly after, returned with a valuable prize, a French ship, laden with sugar and cocoa. Four men swore she had been found at sea, without any person on board: on this evidence, the court of admiralty adjudged her, as a lawful prize, to the captors. There were men, unfriendly to governor Eden, and to the judge, Tobias Knight, who said, that the governor had received sixty hogsheads of sugar, as a *douceur*, and the judge twenty; and in order to elude every means of enquiry into the affair, the ship, on a suggestion, that she was leaky and unseaworthy, was consumed by fire.

Teach remained in the river, trading with the small vessels that came in, and with the planters, for provisions and other things, in exchange for his part of the plunder. They complained of his want of correctness in the application of the rule of *meum et tuum*, and imagining that the governor did not exert his authority in a manner sufficiently energetic to afford them redress, sent a message to governor Spotswood, to solicit his influence with the commodore on that station, for a small force, to subdue the pirate. Accordingly two sloops were fitted out, and Robert Maynard, a lieutenant of the royal navy, was ordered to proceed with them to North Carolina. A proclamation was, at the same time issued by governor Spotswood, offering a reward of one hundred pounds for the apprehension of Teach, fifteen pounds for every officer, and ten pounds for every other man, taken out of his sloops. Lieutenant Maynard left James river on the 17th of November, and four days after passed Ocracock bar, and shortly after approached the pirate.

Although the expedition had been fitted out with great caution and secrecy, yet Teach had been apprized of the lieutenant's motions, and had accordingly put himself in a posture of defence. His force consisted of twenty-five men. Lieutenant Maynard, on discovering Teach's vessel, came to an anchor, the difficulty of the channel requiring this precaution. In the morning, he came within gun-shot of her, and received her fire; whereupon he stood directly towards the pirate, endeavoring to make a running fight, but run aground. Teach hailed him, with horrid imprecations; boasting he neither would take nor receive quarter. A bloody fight immediately ensued, and the lieutenant's men being much exposed, he lost twenty of them, at one broadside; on which he ordered all the others below, bidding them to be ready for close fighting on the first signal. The pirate poured in his granadoes, and seeing no person on deck, ordered his men to board the enemy. The lieutenant calling his men on deck, fell on the assailants. The two commanders fired first at each other, and instantly drew their dirks, while their men, being as eagerly engaged, the deck was soon covered with gore. Teach fell, exhausted by the loss of blood from a number of wounds: eight, out of fourteen, of the pirates who had boarded the king's vessel were killed, and the other six, totally disabled by their wounds, sued for mercy. The men who had remained on board of Teach's vessel were next attacked, with the same bravery, and surrendered. Their commander, after firing the first broadside, seeing but little hope of an escape, had placed a desperate negro, with a firebrand, at the ma-

gazine, with orders to apply it the moment the enemy boarded the sloop. He was with difficulty dissuaded from doing so, although informed of the death of his master.

Lieutenant Maynard caused Teach's head to be severed from the body, and hung from the end of his bowsprit, and then sailed up to the town of Bath, where he landed his men. After they were a little recovered, he returned with the pirate's crew to James river, the head still hanging from the bowsprit. They were tried in the court of admiralty, and thirteen of them were hung.

Edward Teach was born in Bristol, and had served several years during the last war on board of a privateer, fitted out in Jamaica, and had distinguished himself for his intrepidity and boldness. In the year 1706, he joined one Hornsgold, a pirate, with whom he went on a cruize, between the island of Providence and the continent. Having captured a sloop, of which Hornsgold gave him the command, he took with her, soon after, a French Guineaman, bound to Martinico: he put forty guns on board, and called her *Queen Anne's Revenge*, and went on a cruize, with the sloop as a tender, to South America and the Canary islands, where he heard of the king's proclamation. Having collected much plunder, and being desirous of diminishing the number of those with whom it was to be shared, he ran aground, as if by accident, and abandoning seventeen men on a desert island, where they must have perished, if they had not soon after been taken off by Steed Bennet, one of his captains: he had come to Carolina.

The adherents to president Carey still continued their opposition to the measures of the administration, and on Christmas day, Maurice Moore and Edward

Moseley possessed themselves of all the papers in the office of the secretary of the province, in the custody of John Lovick, the deputy secretary, at Sandy point. The governor had them instantly arrested, and called a meeting of the council, who approved of his conduct, and ordered those gentleman to remain committed, till they gave bail to stand their trial. They were afterwards tried, in the general court, and Edward Moseley was convicted, fined one hundred pounds, silenced as an attorney, and declared incapable of holding any place of trust or profit, under the government, during three years, and ordered to give security for his good behaviour for a year and a day.

Governor Eden laid before the council an account of his proceedings, on the surrender of Teach and his men, of some disorder committed by them in Bath, of the means by which he put a stop to them, of Teach's clearing out for St. Thomas, and returning soon after with a wreck, loaded with sugar and cocoa; and a statement of his conduct towards the pirates, till Teach was killed, and the others carried to Virginia. The council expressed their approbation of the governor's conduct.

During the trial of these men at Williamsburg, several witnesses charged Tobias Knight, who exercised the functions of chief justice, in the absence of chief justice Gale, with having been accessary to their piracies. This induced the council to call him before them; but, on examining into the case, they found no cause of suspecting him.

The lords proprietors had rendered themselves most obnoxious to their tenants in Carolina. Joseph Boor had returned to Charleston, without having been able

to obtain any redress. An association was formed, with a view to unite the whole colony, in an attempt to destroy the proprietors' government. Governor Johnson had put an end to a contest between him and the assembly of his part of the province, by a dissolution of the latter, and, after issuing his proclamation for that purpose, had retired into the country. The house, when the marshal attempted to read the proclamation, ordered it to be torn from his hands. This measure was followed by the immediate rise of the standard of revolt. The assembly called James Moore, (the officer who had headed the succour to North Carolina, about seven years before) to the supreme magistracy, as governor for the king, and appointed him a council, and the new form of government went into operation, without the least confusion or struggle. Governor Johnston, however, having unsuccessfully attempted to thwart these measures, made a last bold effort to recover his authority. He was joined by the commander of a small naval force, that was then in the province. The ships of war came, and laid their broadsides towards Charleston, and threatened the destruction of it, if the inhabitants persisted in refusing obedience to legal authority : but the people, having arms in their hands, and forts in their possession, bid defiance to the governor, and he relinquished his attempt to re-establish the proprietors' government.

This year, the town of Pensacola was taken by the French from the Spaniards, who retook it a few months after.

The flame of revolution, which had burst out in South Carolina, did not extend to the north, and on the 19th of February, governor Eden and his council ad-

dressed the lords proprietors, assuring them of their utter detestation of the proceedings by the people at Charleston, and that nothing in their power should be wanting to promote their interest in the northern part of the province; that they were entirely easy and satisfied under their lordships' government, and would always use their utmost endeavours to maintain it.

In the month of August, governor Eden met the legislature at the court house of the precinct of Chowan; it sat but eighteen days; no very important act was passed during this session; the land and poll taxes were lessened, an evidence of the tranquility of the country. By an act of this session, it appears, a town had some time before been established by law in the precinct of Chowan, which in honor of the governor was called Edenton; the original act is not extant, and it is impossible to establish its date.

The agent of the people of South Carolina, during the absence of the king at Hanover, obtained a hearing from the lords of the regency and council in England, who were of opinion, that the lords proprietors had forfeited their charter. In conformity to this decision, he ordered the attorney general to take out a *scire facias* against it, and in September, Francis Nicholson, who had lately presided over the provinces of Virginia and Maryland, received the king's commission as governor of South Carolina: it does not appear that his authority was ever exercised in North Carolina. It is believed, that at this time, the authority of the lords proprietors ceased to be acted under in the southern part of the province. In the northern, the acts of the legislature and every other act of government, till the arrival of governor Burrington, with a royal commission, in 1730,

appear to have been enacted by the authority of the lords proprietors.

Governor Nicholson arrived in Charleston early in the following year, and soon after convened the legislature: they recognized king George as their immediate lord, and proceeded with cheerfulness and harmony to the regulation of the affairs of the colony. Before governor Nicholson left England, a suspension of arms between Great Britain and Spain had taken place, and by the treaty of peace which succeeded, it was agreed that all subjects and Indians, living under these different jurisdictions, should cease all acts of hostility: orders were sent out to the governor of St. Augustine, to forbear molesting the people of Carolina, and governor Nicholson was instructed to cultivate the friendship and good will of the Spanish subjects and Indians in Florida. In conformity with these instructions, governor Nicholson gave his first attention to fix the limits of the hunting grounds of the Indians, and forbid any encroachments on their hunting grounds. With this view, he sent a message to the Cherokees, inviting their chiefs to a general congress: he met them, smoked the calumet with them, marked the boundaries of their lands, and appointed an agent to regulate their affairs. He then held a treaty with the Creeks, appointed an agent to reside among them, and fixed on Savannah river, as the boundary of their hunting grounds, beyond which no settlement was to extend.

By a statute passed this year, (8 Geo. 1. c. 12.) the premium on the importation of hemp from America, was continued: wood, plank and timber, wrought or unwrought, were allowed to be imported from the colonies in America, free from duty: restrictions were im-

posed on the cutting or falling of any white pine trees in the northern colonies.

By the articles of the treaty of peace, ratified this year between France and Spain, Pensacola, which the French had taken a second time, was restored to his Catholic majesty. The seat of government of the province of Louisiana was removed from Biloxi to New Orleans, which had been laid out since 1717, but which did not take any consistency till after this removal. The province was reduced to such a distressed state, that many of the colonists came over to Charleston: the number of these people was so great, that governor Nicholson advised monsieur de Bienville, governor of Louisiana, to take measures to prevent the further desertion of his people.

The endeavours of the French, to confine the English colonies to narrow limits along the sea coast, by a chain of forts, on the great passes from Canada to Louisiana, were now so apparent, that governor Burnett, of New York, concluded it to be of the utmost importance to get the command of Lake Ontario, to secure the trade and friendship of the six nations, and frustrate the designs of the French: he therefore began the erection of a trading house at Oswego, in the country of the Senekas.

Daniel Coxe, the son of the proprietor of the province of Carolana, who had attempted, during the reign of queen Anne, to induce the ministry to yield to the settlement of his province the aid which had been promised him in the former reign, without success, owing to the war, which occupied their attention, now made a new effort to draw the public attention to his views, by the publication of a description of Carolana, and an extract of his memorial to king William.

The king this year granted to John, duke of Montague, his letters patent, constituting him captain general of St. Lucia and St. Vincent, with liberty to settle those islands with British subjects. The duke's attempt being opposed by the French, miscarried. Three years before, monsieur D'Estree had obtained from the regent of France a grant of St. Lucia, and sent a colony to possess and settle it: but on a remonstrance of the British ambassador at Paris, he had orders to discontinue his settlement, and withdraw the people from that island. St. Lucia was at this time evacuated by both French and English, and together with St. Vincent remained a neutral island, until the treaty of 1763.

On the 26th of March, governor Eden died: his tomb stone at Eden house, on Salmon creek, in the county of Chowan, informs posterity, that he "governed the province eight years, to the greatest satisfaction of the lords proprietors, and the ease and happiness of the people; that he brought the country into a flourishing condition, and died much lamented, in the forty-ninth year of his life."

During the war between France and Spain, under the regency of the duke of Orleans, the French of Louisiana attacked the Spanish mission in Texas, from Natchitoches: the Spaniards retreated as far as San Antonio de Bexar. In 1719, the marquis de Valero advanced with a considerable force, and drove the French back to Natchitoches.

CHAPTER XV.

ON the 30th of March, 1722, Thomas Pollock, the deputy of lord Carteret, qualified as president and commander in chief, under a commission from the lords proprietors.

On the 8th of August, the precinct of Craven was divided, by an order of the president and council. The eastern part, including all the land lying on Core sound, Bogue sound, the rivers and creeks running into them, and all the settlements to the south, was erected into a new precinct, which, in compliment to one of the lords proprietors, was called Carteret. Craven precinct, consisted of all the settlements on Neuse and Trent rivers, and their branches, including Bear river.

Nearly about this time the Reverend Mr. Newman, whom, at the repeated solicitations of governor Eden, the society for propagating the gospel in foreign parts, had sent to North Carolina, arrived, and entered on the duties of his appointment. Like those of his predecessors, his reports to the society deplored the poverty and ignorance, and sometimes, the profligacy of his flock, the remote situation of the individuals of it, and the consequent hardships and fatigue, he had to endure. These brought on a severe illness, to which he soon after fell a victim.

On the 30th of August, the president died; and on the 7th of September, William Reed entered on the du-

ties of the office of president and commander in chief. This gentleman met the legislature, in the new town of Edenton, a few weeks after his election. The country was in the calm moment of peace. The settlements on Neuse, around the town of Newbern, had considerably increased; but they were not accessible, with facility by land, from those around the town of Bath, on Pamlico river; the communication by water was tedious, and at times, dangerous: a law was now passed, to open a road from Core point, between the two settlements. A sum of twelve thousand pounds, in bills of credit, was emitted, for the purpose of exchanging those which were afloat. The measure was not considered as destructive of the credit of the currency, or a new Hegetorides encountered the penalties denounced by the act of 1715. It does not appear that any was exacted.

Owing to the great charges government had been at, during the late Indian war, the preceding legislature had not taken care of establishing the precinct courts, in any fixed or certain places; but they had hitherto been held at private houses, liable to be removed at the pleasure of the owner. This inconvenience was now remedied; and the justices were ordered to have a court house erected in every precinct, except those of Hyde and Beaufort, for which, it was imagined, one would suffice. The court house of the precinct of Carteret was directed to be built in a town which, about this time, began to be erected, which, in the following year, was established by law in that precinct, and in honor of the Duke of Beaufort, one of the lords proprietorss, was called Beaufort. Those of the precincts of Craven and Chowan, were directed to be built in the towns of Newbern and Edenton; that of the precincts of Beaufort and Hyde, in

the town of Bath; that of the precinct of Perquimans, at Felps point, at the mouth of the Narrows : those of the precincts of Currituck and Pasquotank, at the choice of the justices.

That part of the county of Albemarle, lying to the westward of Chowan river, was erected into a new precinct, which was called Bertie, in honor of James Bertie, who, on the death of Seth Sothel, had purchased the share in the province, which had originally been held by the earl of Clarendon, or Henry Bertie, who held, afterwards, that of Sir William Berkely. The court house of this precinct was directed to be built at Abotskey.

Settlements on Cape Fear river began, it is said, to be made this year; since the retreat of the planters brought there by Sir John Yeamans, no attempt had been made at agriculture on that river. There are, however, no documents extant, from which the exact time, when the permanent settlement on that river began, can be ascertained; it is, however, probable, that it happened about this time. By the erection of the precinct of Carteret, the lands on Cape Fear river, at least, on the eastern side of that stream, were taken in as part of the new precinct, and regular government was extended thereto.

In the following year, a fort was built high up on Connecticut river, which took the name of lieutenant Dummer, under whose direction it was built. Around it, a settlement began soon after, which was the origin of the present state of Vermont.

President Reed met the legislature at Edenton, on the 23d of November. Peace continued to prevail, and the legislature thought themselves justifiable, in giving

another direction to the tonnage duty, which had been imposed on all vessels, for the purpose of obtaining powder and ammunition, in 1715. The duty was now to be paid in money, to be employed for beaconing out the channels of Roanoke and Ocracock inlets. Provision was made for obtaining impartial jurymen, for regulating elections, and settling the bounds and titles of land, for destroying vermin, and restraining the too great number of horses and mares, and improving the breed.

George Burrington, who had been appointed to succeed governor Eden, arrived early in the following year, and opened his commission at Edenton, on the 15th of January.

According to his instructions, twelve counsellors were to compose his council, and the upper house of the legislature. He was authorized to fill vacancies in that body, by a provisional appointment; and with the majority of the council, empowered to suspend any member of it. He was authorized to assent to laws not repugnant to those of England, and containing a clause, that they should not go into execution, until approved by the lords proprietors. This was a serious restriction, when we consider the paucity of opportunities, which the colonists had, of transmitting their laws to England. He was particularly ordered to redeem and cancel the paper currency, and to enforce the execution of the statute, passed in the sixth year of the late queen's reign, for regulating the value of foreign coins, in the American plantations.

The officers of government, besides governor Burrington, were Christopher Gale, chief justice, James Stanway, attorney general, John Loyick, secretary

of the province, Edward Moseley, surveyor general, Arthur Goffe, receiver general, John Dunstan, naval officer, and Henry Clayton, provost marshal.

The expenses of government, which were not covered by the receipts, were only six hundred pounds sterling: three hundred were paid to the governor, sixty to the chief justice, and the same sum to the secretary of the board of the lords proprietors, in England: forty pounds each, to the attorney general, secretary, surveyor general, and naval officer, and twenty pounds to the receiver general.

The utmost tranquility continued to prevail in the settlement. A tract of land, containing eleven thousand three hundred and sixty acres, was laid out for the Chowan Indians, on Bennet and Catherine creeks.

In the fall, Thomas Pollock, a son of the late president, was appointed chief justice; and William Dunning Cullen Pollock, Isaac Hill, John Alston, and Robert Lloyd, associate justices.

William Little, succeeded James Stanway, as attorney general.

In the month of October, governor Burrington went to visit the incipient settlements on Cape Fear river. Considering this journey as almost an absence from his government, he devolved the power of chief magistrate, on Edward Moseley, as president and commander in chief.

Governor Burrington presided but fifteen months over the settlement. If any legislature was in session, during his administration, no record of any of their proceedings has been preserved. By an order of council, of the 24th of April, 1724, lands are directed to be granted, in the county of Bath, on the petition of the lower

house of the legislature, which sat under president Reed, in the month of November, 1723.

On the 7th of April, 1725, the lords proprietors appointed Sir Richard Everard, as successor to governor Burrington; he qualified at Edenton, on the 17th of July. With him, arrived the Reverend W. Backnall, a missionary, sent over by the society for propagating the gospel, in foreign parts. The tranquility, in which he found the northern part of the province, did not prevail in the southern. No final agreement having yet been concluded, with respect to the limits of Florida and Carolina, the Indians, who were in alliance with Spain, particularly the Yamassees, continued to harrass the British settlements. Colonel Palmer, at length, to make reprisals, collected a party of militia and friendly Indians, to the number of about three hundred; he marched into Florida, as far as the gates of St. Augustine, and compelled the inhabitants to take refuge in the castle. He destroyed their provisions in the fields, drove off their cattle, killed some Indians, and made others prisoners; burning almost every house in the colony, and leaving the Spaniards but little property, besides what was protected by the guns of the fort.

Richard Fitzwilliams, surveyor general of the customs, for the southern district of North America, visiting the settlement, took his seat in the council next to the governor.

The bishop of London, as patriarch of England, extended his jurisdiction to the British American colonies.

The expenses of government exceeded the receipts, by the sum of two hundred and thirteen pounds nineteen shilings and seven pence, in 1726; and two hundred and fifty-one pounds, nine shillings, in 1727.

The lords proprietors required that every tract of land granted should be improved, by having thereon a house built, fifteen feet by ten, tight and habitable, of clap boards, or squared logs, with a roof, chimney and door place, a whole acre cleared, and the major part broken up and planted with fruit trees and grain.

In 1726, the unhappy contest, began under Charles II., (1678) between the parent state and the island of Jamaica, ended. Matters were compromised, by agreement on the part of the assembly, to settle on the crown a perpetual revenue of eight thousand pounds a year, on condition that the quit rents, then estimated at one thousand four hundred and sixty pounds, per annum; should form a part of that sum. 2d. That the body of their laws should receive the royal assent. 3d. That all such laws and statutes of England, as had been at any time esteemed, introduced, used, accepted or received, as laws of the island, should be and continue, laws of Jamaica, forever. This was implicitly to admit that the others were not, and a tacit renunciation of the power of parliament over the island.

During the fall of the following year, accounts reached the province of the demise of George I., which had occurred on the 20th of May, and George II. was proclaimed.

Sir Richard Everard met the legislature, at Edenton, on the 6th of November. The acts of this session are few and unimportant. Provision was made for preventing suits of little moment being brought in the general court; for obtaining different jurymen; for regulating towns and the election of members of assembly; for regulating trade and facilitating navigation; for the destruction of vermin and the tanning of leather.

The house of commons, in 1728, addressed the king, praying him to contract with the lords proprietors of Carolina, for the purchase and surrender of their title to the province, promising to make the expense good, out of the next aid granted by parliament. An unanimous address was also presented, beseeching the king to use his utmost endeavors to prevent the depredations on the English trade in America; to procure satisfaction for past ones, and secure a free commerce and navigation, to and from the British provinces in that quarter of the world.

This year, the boundary line was run, between the provinces of Virginia and Carolina, by the commissioners of both, from the sea shore to Peters creek, which falls into Dan river, a little below the Saura towns, in the present county of Rockingham. The commissioners, on the part of Virginia, were William Byrd, William Dandrige and Richard Fitzwilliams: those on the part of Carolina were Christopher Gale, Edward Moseley and Samuel Swann.

The commissioners met on the 5th of March, 1727, near Old Currituck inlet, which was then so shallow that the breakers beat over it with a horrible noise. On the north side, the land terminated in a bluff point, from which a spit of land extended, towards the south east fall, half a mile. The inlet was between that spit and another on the south, leaving an opening of not quite a mile, then impracticable for any vessel whatever.

At two o'clock next morning, the variation was tried by a meridian taken from the north star, and found to be somewhat less than three degrees west.

The commissioners from Virginia, in their diary, observe, that their associates from Carolina, "brought not

10-1. above two men with them, that would put their hands
35. to any thing but the kettle or frying pan; and they spent
III so much of their industry that way, that they had but
little spirit or inclination for any other work.

“The women and children of the borderers came to stare at the commissioners, with as much curiosity as if they had lately landed from Canton or Morocco. The men appeared all to dread, that the line should pass to the south of their land, as in that case they must submit to some kind of order and government, while in Carolina, every one did what was best in his own eyes; and none paid any tribute to God or to Cæsar. A justice of the peace, in the precinct of Currituck having, about this time, ordered a fellow into the stocks, for being disorderly in his drink, was, for his intemperate zeal, carried thither, and narrowly escaped being whipped by the rabble.”

Many women brought their children to the chaplain of the commissioners of Virginia, to be baptized; but the gentleman who kept their dairy adds, “they brought no capon along with them to make the solemnity cheerful.”

Although the reverend gentleman of Virginia christened upwards of one hundred children, during the running of the line, he did not marry a single couple. None were attracted by the novelty of having their hands joined by a man in holy order: they considered marriage as a civil contract only, and its knot as firmly tied by a justice, as by an archbishop.

On the 6th of April, the weather growing warm, and the rattle snakes beginning to crawl out of their winter quarters, a stop was put to the running of the line. During one month, the line was run from Currituck to

the plantation of a Mr. Kinchen, a gentleman of respectability and note, who dwelt on the south side of the Meherrin, in the present county of Hertfort, a distance of seventy-three miles and thirteen chains. This place is the only one at which the commissioners saw an orchard. They resumed their labor on the 20th of September.

This year is remarkable, in the annals of agriculture, for the first appearance of the weavel; an insect hitherto unknown in British America. They were first seen in North Carolina, from whence these mischievous flies extended gradually to Virginia, Maryland, and Delaware.

The last legislature, which sat under the authority of the lords proprietors, met in Edenton, on the 27th of November of the following year. They emitted bills of credit to the amount of forty thousand pounds. The precinct of Hyde was separated from that of Beaufort, and the court house directed to be built on the spot on which the present town of Woodstock stands. A new precinct was formed, from parts of those of Currituck, Pasquotank, Chowan and Bertie, which was called Tyrell, in memory of Sir John Tyrell, a gentleman who now owned that part of the province, which had been originally granted to lord Ashley; and the precinct of Carteret was divided, and the lower part of it erected into a new precinct, which was called New Hanover, in honor of the reigning family.

Seven of the lords proprietors, finding that the expenses which had attended the settlement of Carolina were hardly productive of any advantage; the frequent wars which they had to sustain against the Indians

absorbing the revenues of the province, and disabling the settlers from paying the quit rents on their lands, the arrears of which now amounted to above ten thousand pounds, applied to the new monarch, and offered to surrender the government of the province, and all the franchises secured to them by the charter of Charles II. as well as their property in the soil. The king entered into an agreement with them, which was this year ratified by parliament. (2 Geo. II. c. —.) Each of them received from the crown the sum of two thousand five hundred pounds sterling, as the consideration of the surrender, and a further sum was allowed him, for his share of the quit rents due by the planters.

The share of lord Clarendon, under the original charter, was, at the time of the surrender, the property of James Bertie; that of the duke of Albemarle, the property of Henry duke of Beaufort and Charles Noel Somerset, his brother; that of the earl of Craven was still in the holder of that title; that of lord Ashley was held in trust by A. Hutchinson, for John Cotton; that of Sir John Colleton by one of his descendants of the same name; that of Sir William Berkley, was claimed by three persons, Henry Bertie, Mary Dawson, and Elizabeth Moore.

John, lord Carteret, baron of Hawnes, as heir of his father, who died in 1696, was in possession of the share of Sir George Carteret. He declined parting with it.

Thus ended the proprietary government in Carolina, sixty-six years after the charter, by which it had been established.

At its close the whole population did not exceed twenty-five thousand persons, of all sexes and colours, i. e. ten

thousand in the northern, and fifteen thousand in the southern part of the province.

The primary division of the northern part was into three counties; Albemarle, Bath and Clarendon.

Albemarle was subdivided into six precincts, Currituck, Pasquotank, Perquimans, Chowan, Bertie and Tyrrel; its population about seven thousand.

Bath, into four precincts, Beaufort, Hyde, Craven and Carteret; its population two thousand five hundred.

Clarendon had but one precinct, New Hanover; its population not exceeding five hundred.

Four towns only, had a legal establishment: Edenton, in the precinct of Chowan; Bath, in that of Beaufort; Newbern, in that of Craven, and Beaufort, in that of Carteret: they were all extremely small.

The legislative power, resided in the lords proprietors and the general assembly: the former acted by their governor, and a deputy from each of their lordships: the general assembly was composed of members from the precincts and towns.

The sessions of the legislative body were biennial: Edenton was the only town in which it sat.

The executive power resided in the governor, appointed by the lords proprietors.

The judicial power, resided in a general and precinct courts and justices of the peace.

The general court held semi-annual sessions, and Edenton was the only town in which it sat. The precinct courts held quarterly sessions: they were composed of the justices of the peace of each precinct; but every lord proprietor's deputy, the secretary and receiver of the province, were named in the commission of the peace of each precinct: these courts sat at the town

in each precinct, that had one ward at Felps' point, at the mouth of the Narrows; and the place of sitting, in the precincts of Currituck, Pasquotank, Hyde, Bertie and Tyrrel, was left to the choice of the justices.

The general court was composed of a chief and four associate justices.

The governor held a court of admiralty, and with the lords deputies, one of chancery.

Edward Moseley, John B. Ashe and William Swann, are the only persons, who filled the chair of the general assembly, whose names appear on record.

R. Chevin, Francis Foster, Christopher Gale, Edmund Gale, Thomas Lovick, Maurice Moore, John Palin, Thomas Pollock, William Reed, Richard Sanderson, Robert West, J. Worley and Tobias Knight, are the proprietors' deputies, whose names have reached us.

The tanning of leather, is the only species of manufacture which appears to have obtained the notice of the legislature.

An act for the preservation of a library, the gift of Doctor Bray, was the only help afforded to literature. Nothing else appears to have been thought of, to promote education.

Acts had been passed, for the election of vestrymen, and church wardens; but it is not known, that more than two houses of worship had been erected.

Quit rents, poll and land taxes, with a small duty on exports, and, originally, one on tobacco exported, were the means resorted to, to fill the coffers of the province.

Though the congress at Soissons proved abortive, conferences were begun at Seville, between the plenipotentiaries of England, France and Spain, and a treaty

was concluded, on the ninth day of November, not only without the concurrence of the emperor, but even contrary to his right, as established by the quadruple alliance.

The lords in the opposition excepted to the article by which the merchants were to make proof of their losses at the court of Spain.

At the time the crown purchased seven eighths of the province of Carolina, the French, the Spanish and the British, were the only European powers that had colonial establishments on that part of the northern continent of America, which is washed by the Atlantic ocean. The French possessed Canada and Louisiana, and the Spanish Florida. The British possessions were divided into eleven provinces: Nova Scotia, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania and the counties on the Delaware, Maryland, Virginia and Carolina.

With regard to their internal policy, the governments of the provinces were of three sorts: 1. Provincial governments, the constitutions of which depended on the respective commissions, issued by the crown to the governors, and the instructions which usually accompanied these commissions; under the authority of which, provincial assemblies were constituted, with the power of making laws, not repugnant to those of England; as in the provinces of Nova Scotia,* New Hampshire, New York, New Jersey, and Virginia. 2. Proprietary governments, granted out by the crown to individuals, in the nature of feudatory principalities, with all the in-

* Nova Scotia was, however, so thinly settled, that no legislature had as yet been called in it.

ferior powers of legislation, which formerly belonged to the owners of English counties palatine ; yet still with the express condition, that the ends for which the grant was made be substantially pursued, and that nothing be attempted, which might derogate from the sovereignty of the mother country ; as in the provinces of Pennsylvania, Maryland, and hitherto those of New Jersey and Carolina. 3. Charter governments, in the nature of civil corporations, with the power of making by-laws, for their own interior governments, not repugnant to the laws of England, and with such rights and authorities as were specially given them, in their several charters of incorporation ; as in the provinces of Massachusetts, Connecticut and Rhode Island. In the first of these, the constitution was of a mixed nature : the power seemed divided between the king and the people, but the latter had, by far, the greatest share : for, they chose the assembly, and the assembly, the council ; and the governor depended upon the assembly for his annual support, which frequently laid this officer under the temptation of giving up the prerogative of the crown and the interest of Great Britain. In the two other provinces, almost the whole power of the crown was delegated to the people : for they chose the assembly, the council and the governor ; and held little or no correspondence with any officer in the mother country.

The forms of government in the eleven provinces, were borrowed from that of England. Each had a governor, named by the king, the proprietor or the people ; they had courts of justice of their own, from whose decisions an appeal, in certain cases, lay to the king and council in England. Their general assemblies, composed of a house of representatives and the council

as an upper house, made laws suited to their own emergencies, with the concurrence of the king, or his representative, the governor. In all the provinces, except those of Connecticut, Rhode Island, and Maryland, copies of the acts of assembly were forwarded by the governor, immediately after the rise of each session, to the secretary of state for America, by whom they were laid before the board of the lords commissioners of trade and plantations. One of the king's counsel, specially appointed for the service of that board, (called the reporting counsel) took them under consideration, and reported his opinion on each act, whether the king should be advised to approve or repeal it. On the report of this gentleman, the board laid the act, with their own observations, before the lords of the king's council, on whose report the fate of the act chiefly depended.

The crown was confined in the exercise of its right in repealing the laws of the province of Massachusetts, to a period of three years, from the time they had been presented to the king, and those of Pennsylvania within six months.

The principal objections to a provincial law, which induced its repeal, by the authority of the crown, were, that it lessened the prerogative of the king, or the dependence of the province on the mother country, was repugnant to the laws of England, unnecessarily at variance with the laws and usages of the neighboring provinces, or affected the trade, manufactures or other real or fancied right of the king's English subjects.

The members of the lower house were more fairly and equally chosen by their constituents, than those of the British house of commons, by the people of Great Britain. The other two branches of the legislature

were necessarily less perfect than the corresponding ones of the British parliament, being absolutely dependent.

The advantages, which resulted to the mother country from her intercourse with the American colonies, were already considerable. Sir William Keith, who had resided a long time on the continent, in some observations, which he submitted to George II. on his coming to the crown, and which were referred in council to the lords commissioners of trade and plantations, states, that they took off, and consumed, about one fifth part of the woollen manufactures, exported from Britain, the chief staple of England and the main support of her landed interest. They took off and consumed more than double the value of these woollen commodities, in linen and calico, partly the product of Britain and Ireland, and partly the profitable return made for that product, when carried to foreign countries. The luxury of the colonies, which increased daily, consumed great quantities of English manufactured silks, haberdashery, household furniture, and trinkets of all sorts, as also, a very considerable quantity of East India goods. A great revenue was raised to the crown, by returns made in the produce of the colonies, especially tobacco, which, at the same time, enabled England to bring nearer to a balance her unprofitable trade with France. The colonies promoted the interest and trade of the mother country, by a vast increase of shipping and seamen, which enabled her to carry great quantities of fish to Spain, Portugal, Leghorn, and other places; furs, logwood and rice, to Holland; and eminently contributed in keeping the balance of trade with these countries in favor of England. If reasonably encouraged, the American provinces were now in a condition to furnish Britain with as much

of the following commodities as it could demand: masts for the navy, all sorts of lumber, hemp, flax, pitch, tar, oil, rosin, copper ore, and pig and bar iron, whereby the balance of trade with Russia and the Baltic might be very much reduced in favor of Great Britain. The profits arising to the colonies by trade were returned in bullion, or other objects useful to the mother country, where the superfluous cash, and other riches acquired in America continued, which was one of the best securities of the due subjection of the colonies.

The province of Nova Scotia, had been an important acquisition, as a barrier against the French of Canada, On the score of agriculture and commerce, it was of no value; the former was insufficient for the subsistence of the inhabitants, and the latter was confined to the exportation of timber to the West Indies; the quantity was inconsiderable, and the quality much inferior to that of the timber in the southern provinces.

The trade of the province of New Hampshire principally consisted in lumber, fish and naval stores: coarse woollen cloths were manufactured at home, by some of the colonists, for the use of their own families, and small quantities of linen were made by a few emigrants, who had lately arrived from Ireland: iron works had been set up in different parts of the province, and it was an object of complaint in England, that, with a view to encourage those establishments, the provincial legislature had prohibited the exportation of iron ore.

The trade of the province of Massachusetts, differed from that of New Hampshire only in its extent, being by far more considerable; the colonists were also extensively engaged in ship building and supplied the French

and Spanish with vessels, in return for rum, molasses, wines and silk, which were clandestinely introduced. They had already some East India trade, enjoying an advantage over the English ports, in the drawback for all India and other goods exported, which paid a duty in Great Britain, while no duty was paid upon importing them into the plantations. In some parts of the province, the inhabitants worked up their wool and flax, and made an ordinary coarse cloth for their own use; small quantities of cloth were also made of linen and cotton, for ordinary shirting and sheeting. A paper mill had lately been set up, nineteen forges for making bar iron, and six furnaces for cast iron or hollow ware, and one slitting mill, (the owner of which carried on a manufacture of nails) were counted in the province. Great quantities of hats were made, and some were exported to Spain, Portugal and the West India islands, and there were some rum distilleries and sugar refineries. Copper mines had been discovered, but so distant from water carriage, and the ore so poor, that they were not thought worth the digging. The greater part of the leather used in the province, was of its own manufacture. Brown hollands, duck, and sail cloth, began to be made, and the provincial legislature had passed laws for allowing a bounty on every piece of duck or canvass made, and for encouraging the erection of paper mills.

The province of Connecticut exported horses and lumber to the West India islands, and received in return, salt, rum and molasses; their manufactures were inconsiderable; the inhabitants who were not engaged in tillage, employed their time in tanning, shoemaking and other handicraft works.

Considerable iron works were carried on in the province of Rhode Island, but the other manufactures, and the commerce of this colony, were insignificant.

The trade of the province of New York, consisted chiefly in furs, whalebone, oil, pitch, tar, provisions, horses and lumber: they exported these last articles to the West India islands: there were hardly any manufactures in this colony; some hats and coarse cloths were however made, and there were a few distilleries and sugar refineries.

The trade of the province of New Jersey, consisted chiefly in the same articles with that of New York, through the principal port of which it was almost exclusively carried. This province did not carry on any manufacture.

In the province of Pennsylvania, brigantines and sloops were built, which were sold to the people of the West India islands, with whom the trade of the colony was chiefly carried on: its exports, consisting of provisions, principally grain and lumber: some coarse woollens being all the articles it manufactured, none of which were exported, and a few only for sale, in a small Indian town, where a German palatine had lately settled.

In the southern provinces, Maryland, Virginia and Carolina, tobacco, naval stores and rice, were the greatest articles of exportation, chiefly for the European markets: large quantities of provisions and lumber were shipped to the West Indies. There were no manufactures; a few hats, however, and cotton cloth, were made, but none for exportation.

It is not to be wondered at, that more trades were carried on, and more manufactories set up, in the northern provinces, especially in New England, than in the rest:

for, their soil, climate and produce, being nearly the same with that of England, they had no staple commodities to exchange for British manufactures, which laid them under greater temptations of providing for themselves at home. In the chartered governments, the little dependence on the mother country, and consequently the small restraints they were under, all measures detrimental to her interest, were additional inducements.

Chalmers—History of South Carolina—Records.

TABLE OF CONTENTS.

CHAPTER I.—FROM 1512 TO 1586.

DISCOVERY of Florida; Cabot's voyage; Ponce de Leon's second voyage; Veranzani's voyages; French navigators' voyages to Newfoundland and St. Lawrence; first British statute relating to the colonies; the French invade Carthage; Louis de Beluastro's voyage to Florida; Jean Ribaud takes possession of Caroline; Laudoniere transports a colony thither; the Spaniards destroy it; De Gourgues revenges it; Armidas and Barlow come to Ocracock; Granganameo; Wingina; Wingado-
-sea; Indians; Roanoke island; the English entertained by Granganameo's wife; return to England; country called Virginia; sir Richard Grenville's voyage; colony left in Virginia; governor Lane; journey up Roanoke; Granganameo's death; Ensenore; Wingina's hatred of the English; King of Chowanocks visits governor Lane; recognizes the authority of the queen of England; distress of the colonists; they are relieved by Sir Francis Drake, and taken back to England; description of the aborigines and of the country; notice of European settlements on the main.

CHAPTER II.—FROM 1586 TO 1603.

Succour sent to governor Lane; Sir Richard Grenville's second voyage; a colony sent under governor White; they
N. CARO. 40

reach Virginia; settle on Roanoke island; Indians kill George Howe; expedition to cape Look Out; Governor Lane goes to revenge Howe's death; kills by mistake some friendly Indians; first child of British parentage born in America; Governor White returns to England; his efforts to procure relief for the colony; Spanish armament; governor White sets sail and is obliged to return; Sir Walter Raleigh disposes of his claim to Virginia; governor White sets sail again; arrives at cape Hatteras; vainly seeks for the colonists, wanders in search of information about them and returns to England; Newport and Drake's voyages; Sylvester Wyatt's; Sir Walter Raleigh sends a ship to South America; attack on Trinidad; Guiana; Sir Francis Drake and Sir John Hawkins' voyages to South America; British take the island of Portorico; voyage to Cape Breton; the French attempt to settle Canada; Bartholomew Gosnold's voyage to the northern part of the continent; Sir Walter Raleigh's frequent attempts to discover and relieve governor White's colonists; notice of European settlements in America.

CHAPTER III.—FROM 1603 TO 1610.

Martin Pring's voyage to North Virginia; Bartholomew Gilbert's attempt to seek and relieve the Virginia colony; Henry IV.'s patent to Dumontz; Champlain's voyage; Port Royal; river St. Croix; Peace with Spain; Weymouth's voyage; Sir Richard Hackluyt; first Virginia charter; instructions; colonial councils; their powers; king's council for Virginia, in England; Christopher Newport carries over a colony; they reach cape Hatteras; cape Charles; cape Henry; bay of Chesapeake; they land; president Wingfield; his council; Jamestown; party sent to reconnoitre the bay; security of the colonists; Indians kill some of them; sickness; distress of the colony; President Radcliffe; John Smith; provisions ob-

tained from the Indians; conflagration; colonists and succour from England; low state of the colony; agriculture; severe winter; Indians; Raleigh Gilbert's voyage to North Virginia; John Smith's services to the colony; he is called to the council; further migration; pitch; tar; potash; French in Canada; Hudson's voyage; Samuel Argall; second charter; lord Delaware, governor of Virginia; sir Thomas Gates, lieutenant general; sir George Somers, admiral; their departure; storm; shipwreck; Bermudas; fleet reaches Jamestown; provisional government; Powhatan; John Smith; distress of the colony; arrival of sir Thomas Gates and sir George Somers at Jamestown; dearth of provisions; determination to abandon the colony; colonists re-embark; notice of European settlements in America.

CHAPTER IV.—FROM 1610 TO 1625.

Lord Delaware arrives in James river; induces the colonists to return; his authority and administration; the colony thrives; vessel sent to Bermudas for hogs; earl of Northumberland's patent; lord Delaware's return; president Percy; governor Dale; governor Gates; Henrico; Bermuda Hundred; third charter; first hostilities between French and English in America; captain Argall; Port Royal destroyed; Dutch settlement on Manhattan reduced; industry of the Virginians encouraged; division of lands; Bermudas; governor Dale; Dutch resume possession of New Netherlands; John Smith's voyage to the northward; grant of land to colonists; governor Yardley; Chickahomini Indians; culture of tobacco; neglect of provisions; Indians; governor Argall; lord Delaware sails for Virginia; dies on his passage; governor Argall's rigorous conduct; governor Yardley; great mortality; Puritans; they migrate to Holland; arrive at Cape Cod; New England patent; great

migrations to Virginia; girls sent thither; convicts; iron works; first importation of slaves; governor Wyatt; college; Ferdinando Gorges; sir William Alexander's patent; lord Baltimore's patent for Newfoundland; prosperity of Virginia; Indians massacre the whites; legislature; quo warranto; charter annulled; king James's demise; state of the English and other European settlements on the continent.

CHAPTER V.—FROM 1625 TO 1649.

Charles I.; governor Yardley; despotic government; bill to secure navigation and fishery; Swedish colony on the Delaware; province of Carliola, in the West Indies; governor Harvey; company of Massachusetts bay; capture of Quebec; Boston; Nova Scotia; grant of Carolana to sir Robert Heath; peace with Spain; Connecticut patent; license to Clayborne; treaty of St. Germain enlarged; Canada; Acadia and New France restored; grant of Maryland; Virginia complaint against it; lord Baltimore's arrival; commission to govern the colonies; mutiny in Boston; determination to resist council of Plymouth; surrender their charter; quo warranto against that of Massachusetts; settlement of Connecticut; French colony at Cayenal; Providence; Virginians send governor Harvey to England; the king orders him back; sir William Berkeley; migration to America restrained; Plan of one colonial government; sir Ferdinando Gorges; Martinico; proclamation against emigration; province of Maine; first printing press in British America; change of government resisted; Surinam; Virginia required to aid the settlement of Carolana; Clayborne; Indian war; New England union; earl of Warwick; Providence charter; St. Lucia; rebellion in Maryland; ordinance restraining the transportation of colonial produce; Iroquois; negotiations with Canada; peace of Westphalia; grant to

Culpepper and others; Charles I. beheaded; condition of the colonies at this period.

CHAPTER VI.—FROM 1649 TO 1656.

Charles II.'s commission to sir William Berkely; Grenada and Anguilla; house of commons assume government; proclamation for the reduction of the colonies; navigation act; sir George Askew reduces Barbadoes; sends a squadron to Virginia; preparation for defence; capitulation and surrender; governor Bennet; tobacco prohibited being planted in England; Maine added to Massachusetts; government of Maryland taken from lord Baltimore; that of Rhode Island suspended; mint at Boston; sir William Berkely; governor Digges; Western country; Ohio river; preparation for the conquest of Canada; admiral Penn's attack on Hispaniola; Jamaica taken; the Dutch drive the Swedes from the Delaware; add their settlement to New Netherlands; New Amsterdam; governor Matthews, settlement on Cape Fear; Nova Scotia; insurrection in Maryland; peace with France and Spain; treaty of the Pyrenees; situation of the colonies at the end of the protectorate.

CHAPTER VII.—FROM 1660 TO 1664.

Navigation act; governor Berkely; legislature under Charles II.'s authority; common law and statute of England introduced; society for propagating the gospel; Massachusetts; Connecticut charter; lord Baltimore resumes his province; church of England established in Virginia; great earthquake in Canada; first charter of Carolina to the lords proprietors; Indians; proposals to settlers; county of Albemarle; governor Berkely's visit to it; expedition from Barbadoes to Cape Fear; its journal; government of Albemarle; governor Drum-

mond; charter of Rhode Island; grant to the duke of York; New Netherlands possessed by the English, and called New York; St. Lucia; the French claim the land on the back of the British settlements in America.

CHAPTER VIII.—FROM 1664 TO 1673.

Second charter; lords proprietors publish proposals for the settlement of their province; sir John Yeamans leads a colony from Barbadoes to Cape Fear; Charleston; county of Clarendon; legislature of Barbadoes forbid emigrations; William Sayle sent to survey the coast of Carolina; is shipwrecked on the Bahamas; makes a chart of the sea coast of Carolina; grant of the Bahamas to the lords proprietors of Carolina; peace of Breda; treaty of commerce with Spain; transportation of convicts; governor Stephens; great deed of grant; legislature; peace with France; St. Vincent and Dominico; charter of Hudson's bay; Locke's fundamental constitution; lord Albemarle; palatine; people of Albemarle county averse to the new system; William Sayle, governor of South Carolina; he leads a colony to Port Royal; Indian wars; treaty of Madrid; transportation of convicts; temporary agrarian laws; sir John Yeamans removes his colony southerly; made governor of South Carolina; settlement of old Charleston; division of South Carolina into counties; county of Albemarle divided into precincts; Quaker missionary's visit; Spanish Schedule; Campeachy wood; complaints in parliament of the trade of the colonists; statute to retrieve it; war against the Dutch; Spanish party invades South Carolina; insurrection in New Jersey; West India British islands divided into two governments; the Dutch take New York; discovery of the Mississippi by the French from Canada.

CHAPTER IX.—FROM 1673 TO 1685.

Sir John Yeamans returns to Barbadoes; Governor West's parliament in South Carolina; Governor Cartright; culture of the vine; peace with the States General; New Jersey; Indian war; jealousies in England of the trade of the colonies: instructions to colonial governors; insurrection in Virginia; affairs in the county of Albemarle; governor Eastchurch; president Miller; Culpepper's insurrection; manifesto; new system of colonial administration; lord Carlisle sent to enforce it in Jamaica; his ineffectual attempt; Culpepper's mission to England; Miller arrested there, tried and acquitted; governor Harvey; settlement of the present town of Charleston; New Hampshire separated from Massachusetts; Lasalle sails up the Mississippi; Spaniards invade the Bahama islands; logwood cutters; Henry Wilkinson, governor of North Carolina; Pennsylvania charter; migration thereto; proprietor's arrival; Lasalle floats down the Mississippi to the gulf of Mexico; lord Cardross leads a colony to Port Royal; Governor Sothel; collection of duties resisted in Massachusetts; quo warranto against the charter; judgment for the king; Kirk appointed governor of Massachusetts, New Hampshire, Maine and Plymouth; Lord Effingham, governor of Virginia; parliament of Carolina raises the value of foreign coins; act approved, but afterwards disapproved; demise of Charles II.; notice of European settlements in America.

CHAPTER X.—FROM 1685 TO 1697.

King James continues the attack on the chartered rights of America; Dudley appointed President of New England; the Spaniards attack lord Cardross's colony; quo warranto against the charter of Carolina; of New Jersey; New Jersey annexed

to the government of New England; printing presses disallowed in New York; general assembly abolished; Sir Edmund Andross; government of Rhode Island assumed in the king's hands; Huguenots migrate to Boston; many of them proceed to the southern provinces; insurrection of the blacks in Virginia; quo warranto against the province of Maryland; government of Connecticut assumed in the king's hands; Sir Robert Holmes sent to suppress pirates; Monsieur de Lasalle leads a French colony to the northern shore of the gulf of Mexico; vainly seeks for the Mississippi; travels by land towards Canada; is murdered; insurrection in North Carolina; governor Sothel imprisoned; Andross, governor of New England, New York and New Jersey; discontents in New England; clergy advise resistance; King James's abdication; insurrection in New England; charter resumed; Rhode Island follows the example; discontent in New York; Leisler possesses himself of the fort for the prince of Orange; Governor Slaughter, Governor Ludwell; Bishop of London's commissary; irruptions from Canada; French privateers; Sir William Phips attacks and takes Port Royal; fruitless attempt on Quebec and Montreal; first emission of American paper money; French emigrants transported at the royal expense to America; Doctor Cox lays his claim to Carolana before the king; his description of the country; Seth Sothel appears in Charleston; assumes the government; lords proprietors establish a government in the Bahama islands; St. Kitts; French irruptions from Canada; new charter of Massachusetts; governor Phips; Connecticut and Rhode Island; fort William Henry; general post office; governor Harvey; Cherokees solicit the aid of the English against the Esaws and Congarees; Locke's system abrogated; great storm; government of Pennsylvania taken into the king and queen's hands; restored to the proprietor; irruption of the French; commodore Wheeler's expedition;

governor Archdale; his arrival and conduct in North Carolina; goes to South Carolina; rice; commodore Wilmot's expedition; French hostilities; small pox rages in Pamlico; governor Harvey; lords commissioners of trade and plantations; parliamentary restrictions; pamphlets on taxing the colonies; Pointiz plunders Carthage; admiral Morse's expedition; peace with France.

CHAPTER XI.—FROM 1698 TO 1702.

Misunderstanding in respect to American boundaries; Scotch colony at Darien; it gives umbrage to the French and Spaniards; proclamation for the removal of the Scotch; president Walker; change in the general court; captain Kidd; rear admiral Benlow's expedition; first permanent settlement of Louisiana; parliamentary restrictions; British governors ordered to cultivate a good understanding with the French; pirates infest the coast of Carolina; statute relating to pirates; a church of England's missionary resides in North Carolina; state of the colony; society for propagating the gospel in foreign parts incorporated; king James dies; Louis XIV. supports the pretender; rupture with France; governor Moore, of South Carolina marches against St. Augustine; is unsuccessful, and returns; paper currency in South Carolina; notice of European settlements on the continent, and French and English in the West Indies.

CHAPTER XII.—FROM 1702 TO 1710.

Queen Anne declares war against France; Sir Nathaniel Johnston, appointed governor of Carolina; hostilities in the West Indies; lord Granville, the palatine, instructs governor Johnston to promote the establishment of the Church of

England, by law, in the province: act passed for that purpose: John Ashe sent to England to procure its repeal: governor attempts to prevent his departure: he goes to Virginia: the people of Albemarle send Edmund Porter on the same errand: the palatine receives those men coldly: Ashe prepares a defence of his countrymen: sickens and dies: Porter's unsuccessful efforts: corporation established in Charleston, with high ecclesiastical powers: colonists send new representations by Joseph Boon: petitions to the house of lords, from Carolina: the lords proprietors prayed to be heard by counsel, at the bar of the house: the lords address the queen, in favor of the people of Carolina: the matter referred to the lords' commissioners of trade and plantations: who report against the lords proprietors: recommend a *quo warranto* against the charter: irruptions from Carolina: colonel Church's expedition: governor Daniel: he procures an act, establishing the Church of England in North Carolina: queen Anne's proclamation in respect to foreign coins: parliamentary restrictions modified: bounty on naval stores: first American newspaper: bishop of London's commissary in Carolina: Indian treaty: Sir Nathaniel Johntson appoints Thomas Carey deputy governor, in North Carolina: act relating to oaths: lords proprietors disapprove of Thomas Carey: direct the council in North Carolina, to appoint a president, and commander in chief: president Glover: Carey possesses himself of the records and resumes the supreme power: Subercase's expedition: Lefebvre's unsuccessful attack on Charleston: earl of Craven palatine: election of two presidents and two councils, in North Carolina: assembly supports Carey: Glover's message: Quaker members: missionaries: their reports: French Huguenots: statute regulating the value of foreign coins: Palatines: Swiss emigrants: baron de Graaffenreidt: Newbern: feuds and dissensions missionaries: governor Hyde: behaviour of Careý: assembly have a new

insurrection: relief sought from Virginia: mediator, and conduct of governor Hyde and Carey: Quakers: Carey's party repelled by the militia: he flies: attempts to gain the Indians to his party: fails: goes to Virginia: he is arrested and sent to England.

CHAPTER XIII.—FROM 1710 TO 1713.

General Nicholson takes Port Royal: general post office: missionaries: Indian massacre: relief from South Carolina: governor Spotswood: proceedings in Virginia, on the relief to be sent to Carolina: misintelligence: dissolution of the assembly: governor's representation: colonel Barnwell arrives, with forces from South Carolina: attacks and defeats the Indians: capitulation granted to them: reprobated: communications made to the lords proprietors on the Indian war: governor Hyde's instructions: officers of the provinces: Civil list: meeting of the legislature: baron de Graaffenreidt paroled: epidemic: governor Hyde dies: president Pollock: his first communication to the lords proprietors: relief from Virginia: Tom Blunt, a Tuscarora chief: preliminaries of peace: colonel Moore marches with forces, from South Carolina: attacks and conquers the Indians: South Carolina Indians move away with prisoners: meeting of the legislature: Matchchapungos Indians: emission of paper money: colonel Moore reduces the Matchchapungos and Cores: incipient state of tranquility.

CHAPTER XIV.—FROM 1713 TO 1722.

Peace of Utrecht: *Pacto del asiento*: Campeachy wood: governor Eden: receipts at the treasury: civil list: lord Craven, palatine: Yamassee Indians: massacre in South Carolina: Matchchapungos hearing of it, endeavor to rise, but are

suppressed: meeting of the legislature: revival of the laws: emission of paper money: resolves of the assembly: reprobated by the council: assembly dissolved by proclamation: lords proprietors insist on payment in sterling money: western country: project of a western land company: transportation of convicts: lands allotted to Tuscaroras: pirates: Edward Teach: he comes to North Carolina: surrenders himself to governor Eden, with his associates: they go to sea: bring in a French ship: obtain her condemnation: vex the people in Pamplico: application to governor Spotswood for relief: he sends a naval force: Teach is attacked and killed: his companions surrender: are carried to Virginia: tried, convicted, and executed: disturbances in North Carolina: Moseley and Moore seize the records of the colony: Governor Eden commits them: they are tried, fined, &c.: governor Eden and C. J. Knight, accused of having favored Teach: exculpated: revolution in Carolina: governor Johnston deposed: a new government established: James Moore, governor: Pensacola, taken and retaken: governor and council in North Carolina, declare their attachment and fidelity to the lords proprietors: meeting of the legislature: Edenton: *scire facias* against the charter of Carolina: Francis Nicholson comes to Charleston, as governor for the king: end of proprietary government there: calls a legislature: they recognize their immediate dependence on the crown: instructions to governors of Carolina and Florida: peace with the Indians: Pensacola restored to the Spaniards: New Orleans: French attempt to hem in the English, between the mountains and the sea: governor Bennett: St. Lucia and St. Vincent: governor Eden dies.

CHAPTER XV.—FROM 1722 TO 1729.

President Pollock: Carteret precinct: missionary: president Pollock dies: president Reed: road from Bath to Newbern:

emission of paper money: court houses: Bertie precinct: Cape Fear settlement: Vermont: legislature: governor Burrington: his instructions and powers: officers of government: receipts and expenditures: Chowan Indians: chief justice and associates: governor Burrington goes to Cape Fear: land granted in the county of Bath: governor Everard: state of the colony: surveyor general of the customs, for the southern district of North America: expenses: requisites to save land: demise of George I.: meeting of the legislature: house of commons recommend the purchase of Carolina: northern boundary line run: last legislature: emission of paper money: Hyde precinct separated from Beaufort: Tyrrel precinct: Woodstock: New Hanover precinct: statute authorizing the the purchase of Carolina, by the king: seven lords proprietors sell their shares: lord Carteret retains his: end of proprietary government: a view of the British provinces on the continent.

END OF VOLUME I.

ERRATA.

Page	2, line	6, <i>for in, read</i> before.
	6,	13, highest—thirtieth.
	7,	21, VII.—IX.
	49,	11, II.—III.
	52,	1, colonies—colonists.
	55,	10, <i>dele</i> not.
	92,	2, II.—I.
	95,	18 & 19, Carolina—Carolana.
	98,	5, <i>after</i> archbishop, <i>add</i> of Canterbury.
	100,	3, John—William.
	128,	31, metropolis—mother country.
	140,	9, they—the lords proprietors.
	144,	32, returning—reserving.
	157,	20, and—in.
	189,	31, ever—even.
	210	1, by—on.



APPENDIX.

NORTH CAROLINA, SS.

AT a Council, held at the house of Frederick Jones, Esq. May 27th, 1719: Present, the honorable Charles Eden, Esq. governor, captain general and admiral; Thomas Pollock, William Reed, Ira Foster, Frederick Jones, and Richard Sanderson, Esquires, lords proprietors' deputies.

IN pursuance of an order of council, dated April 4th, 1719, Tobias Knight, esq. secretary of this province, and a member of the council, attended this board, to make answer to the several depositions, and other evidences, mentioned in the aforesaid order; which said depositions and evidences were read, in the following words: Copies of several depositions, and other evidences, given before the court of admiralty, constituted by commission under the great seal, for hearing and determining cases of piracy, for the colony of Virginia, the 12th March, for the trial of James Blake, alias Jemmy, and other pirates, late of the crew of Edward Teache. Hezekiah Hand, late master of the sloop Adventure, commanded by Edward Teache, being sworn and examined, deposed, that he was on board the said sloop Adventure, at the taking of two French ships, in the month of August last past, and that all the prisoners at the bar were on board the said sloop, and bore arms under Teache at

the time of the said piracy; that Teache plundered one of the ships of some cocoa, and brought the other in with him to North Carolina, having first put her crew on board the ship first mentioned; that, soon after Teache arrived at Ocracock inlet, he went in a pirogue, with some of the prisoners, by names James Blake, Richard Stiles, James White and Thomas Gates, to Mr. Tobias Knight, secretary of North Carolina, carrying with him a present of chocolate, loaf sugar and sweetmeats, being a part of what was taken on board the French ships above mentioned, and that, upon Teache's return from Mr. Knight's, he, the deponent, saw divers goods brought in the pirogue, which Teache said he bought in the country, but the deponent afterwards hearing that one William Bell had been robbed, and understanding, as well by common report as by discourse with the said Bell, of what kind of goods he had been robbed, the deponent knew them to be the same which Teache had brought on board his sloop, but durst not discover to the said Bell who had robbed him. The four prisoners being asked whether they knew of the robbery of Bell's pirogue, acknowledged, that, some time in September, they went from Ocracock, in a pirogue, with Edward Teache, to the house of Tobias Knight, secretary of North Carolina, and carried in the said pirogue three or four kegs of sweetmeats, some loaf sugar, a bag of chocolate, and some boxes, the contents of which they did not know; that they got to the said Knight's house about twelve or one o'clock in the night, and carried up the kegs and boxes aforesaid, which were all left there, except one keg of sweetmeats, which was carried back in the pirogue; that the said Knight

was then at home, and the said Teache staid with him until about an hour before the break of day, and then departed; that, about three miles from the said Knight's house, at a place called Chester's landing, they saw a pirogue lying near the shore, upon which Teache ordered them to row up towards her, saying he would go ashore, to Chester's house, but when he came up with the said pirogue, (in which were a white man, a boy and an Indian,) Teache asked them for a dram, and immediately jumped aboard of the pirogue, and after some dispute, plundered her, carrying away with him some money, one cask of pipes, a cask of rum or brandy, some linen, and other things, and then the said Teache commanded the said prisoners to row away for Ocracock inlet, instead of going ashore at Chester's, as he first gave out he intended.

William Bell, of the precinct of Currituck, being sworn and examined, deposeth, that being on board his pirogue, at the landing of John Chester, on Panchicough river, in North Carolina, on the night of the 15th September last, a large pirogue passed by, standing up the river, that a little before break of day, the pirogue returned, and came on board the deponent; that a white man, who, he since understands, was Edward Teache, entered the deponent's pirogue, and asked him if he had any thing to drink, to which the deponent answered, it was so dark he could not well see to draw any, whereupon, the said Teache called for his sword, which was handed him from his own pirogue, and commanded the deponent to put his hands behind him, in order to be tied, swearing, damnation seize him, he would kill the deponent if he did not tell him truly where the money was; that

the deponent asked him who he was and whence he came, to which the said Teache replied, he came from hell, where he would carry him presently; that the said deponent laid hold of the said Teache and struggled with him, upon which he called to his men to come on board to his assistance, and they came and laid hold of the deponent, his son and an Indian he had with him; that then the said Teache demanded his pistols, and the deponent telling him they were locked up in his chest, he was going to break it open; but the deponent intreated him not do so, saying he would unlock it, but though he permitted the deponent to open the chest, he would not suffer him to put his hands therein, but took his pistols out himself; that the said Teache having got the deponent's pirogue out into the middle of the river, rifled her, took away £66 10 in cash, one piece of crape, containing fifty-eight yards, a box of pipes, half a barrel of brandy, and several other goods, the particulars are mentioned in an account the deponent now delivered into court; that, particularly, the deponent was robbed of a silver cup, of a remarkable fashion, being made to screw in the middle, the upper part resembling a chalice the lower a tumbler, which cup, the deponent is informed, has been found on board Teache's sloop; that when the said Teache and his crew had taken what they thought fit from the deponent, they tossed his sails and oars overboard, and then rowed down the river; that the said Teache, in beating the deponent, broke his sword about a quarter of a yard from the point, which broken piece of the sword the deponent found in the pirogue, and now produces in court; and this deponent verily believes Teache had intelligence of his

having money, otherwise he would have passed by in returning from, as he did in going to, Mr. Knight's, without concerning himself with the pirogue: and the deponent further saith, that within two hours after he had been thus robbed, he went to complain to the governor of North Carolina, who sent him to Mr. Knight's, then chief justice, upon which the said Knight gave him the warrant of hue and cry, which he now produces in court, and that, notwithstanding the deponent did particularly describe the pirogue, and the men by whom he had been robbed, and did repeat, as near as he could, the language the white man used to the deponent, and declared that the other four were negroes, or white men disguised as such, and that the said pirogue had passed by the same night towards his house, or Bath town, yet the said Tobias Knight did not discover to the deponent that any such pirogue had been at his house, or that he knew of Teache's being in the country. There was produced a letter from the before named Tobias Knight, directed to captain Edward Teache, on board the sloop Adventure, which letter was proved to have been found among Teache's papers, after his death, and by comparison of the hand with other papers, appears to be the writing of the said Tobias Knight, which said letter was read, and is as follows:

November 17, 1717.

MY FRIEND: If this finds you yet in harbour, I would have you make the best of your way up, as soon as possible your affairs will let you. I have something more to say to you than, at present I can write; the bearer will tell you the end of our Indian

war, and Ganet can tell you, in part, what I have to say to you; so I refer you, in some measure, to him. I really think these three men are heartily sorry at their difference with you, and will be very willing to ask your pardon. If I may advise, be friends again; it is better to, than falling out among yourselves. I expect the governor this night, or to-morrow, who, I believe, would be glad likewise to see you, before you go. I have not time to add, save my hearty respects to you, and am your real friend and servant.

T. KNIGHT.

After which, captain Ellis Brand, commander of his majesty's ship the Syren, declared, that, having received information of twenty barrels of sugar and two bags of cotton, lodged by Edward Teache at the house of Tobias Knight, he asked the said Knight for those goods, they being part of the cargo piratically taken from the French ship, and that the said Knight, with many asseverations, positively denied that any such goods were about his plantation; but yet the next day, when the said captain Brand urged the matter home to him, and told him of the proofs he could bring, as well by the persons concerned in landing the said goods, as by memorandums in Teache's pocket-book, he, the said Knight, owned the whole matter, and the piratical goods aforesaid were found in his barn, covered with fodder.

At a Court of Admiralty, continued and held at the Capital, the 13th day of March, 1718.

Whereas it has appeared to this court, Mr. Tobias Knight, Secretary of North Carolina, hath given just

cause to suspect his being privy to the piracies, committed by Edward Teache and his crew, and hath received and concealed the articles by them piratically taken, whereby he has become an accessory.

It is, therefore, the opinion of this court, that a copy of the evidences given to this court, so far as they relate to the said Tobias Knight's behaviour, be transmitted to the governor of North Carolina, to the end, he may cause the said Knight to be apprehended and proceeded against, pursuant to the directions of the act of parliament, for the more effectual suppression of piracy.

And then the said Tobias Knight did remonstrate to this board, in answer thereto, as followeth:

NORTH CAROLINA.

To the honorable Charles Eden, governor, and to the rest of the members of the honorable the council, now sitting:

The humble remonstrance of Tobias Knight, esq. secretary of this province, and a member of this board, in answer to the several depositions, and other pretended evidences, taken against him, at a court of admiralty, holden at the capital, in Virginia, on the 12th day of March, 1718. First, The said Tobias Knight doth aver for truth, and doubts not to make it evidently appear, that he is not, in anywise whatsoever, guilty of the least of these crimes, which are so slyly, maliciously and falsely suggested and insinuated against him, by the said pretended evidence. The which to make more apparent to your honors, the said Tobias Knight doth pray your honors, first, to consider as to the evidences themselves; they being such as contradict themselves, or as not to be taken in any

court of record, or elsewhere, against the said Tobias Knight. or any other white man; for, first, Hezekiah Hands, master of captain Teache's sloop Adventure, seems to swear positively, in his deposition, that the said Teache went from Ocracock inlet, on his return to this country, from his last voyage, with a present to the said Tobias Knight's house, when, by the same deposition, he acknowledgeth that to be out of the reach of his knowledge, he being all the time at the said inlet, which lies at above thirty leagues distance from his house; and, further, the said Tobias Knight doth pray your honors to observe, that the aforesaid Hezekiah Hands was, as he has been well informed, for some time before the giving of the said evidence, kept in prison, under the terrors of death, or a most severe prosecution, and that there doth apparently appear throughout the whole evidence, more of art, malice and design against the said Tobias Knight than truth. Secondly, As to the four next evidences pretended to be given against the said Tobias Knight, under the name and pretext of four of captain Teache's men, is utterly false, and such as the said Tobias Knight humbly conceives ought not to be taken against him, for that they are, though cunningly couched under the names of Christians, no other than four negro slaves, who, by the laws and customs of all America, ought not to be examined as evidence, neither is their evidence of any validity against any white person whatsoever; and, further, that the said negroes, at the time of their giving the pretended evidence aforesaid, as the said Tobias Knight is informed, were upon trial for their own lives, for the supposed piracies by them committed on board the said Teache, and that what they did then say was in

hopes of obtaining money, though they were then condemned, and since executed, so that, had they been ever so lawful evidences, the said Tobias Knight is debarred from his right and benefit of an examination of them. Thirdly, as to the deposition of Wm. Bell, I shall only observe to your honors that there is nothing in it, that can affect the said Tobias Knight, save that it is therein cunningly suggested that Edward Teache was at the said Tobias Knight's house, the night in which he was robbed, which the said Tobias Knight has good reason to believe was rather an artful and malicious design of those that drew the said deposition; for, had it been true, it was impossible to have been within the reach of his knowledge, and besides the said Bell, upon his examination, the day after he was robbed, had in suspicion one Smith Undy, Tetery Dick, and others, and hath since the date of that deposition, viz: on or about the 25th of April last past, declared, that he doth verily believe, that the said Teache was not at that time at the said Tobias Knight's house, for the truth of which, the said Tobias Knight doth humbly refer to the examination and deposition of Mr. Edmund Chamberlain. Fourthly, as to the pretended evidence of captain Ellis Brand, the said Tobias Knight doth humbly conceive the same ought not to affect him; for had it been true, it should, and ought to have, been upon oath, which it is not, though the said Tobias Knight doth, in the most solemn manner, aver that the said pretended evidence is every word false, and that the said Brand never did, at any time, speak one word, or mention to the said Knight, in any manner whatsoever, touching or concerning

the sugar mentioned in the said evidence, before the said Knight first mentioned it to him, neither was the said sugar ever denied by the said Tobias Knight to be in his custody, for the truth of which he humbly refers to the honorable the governor; but further saith that, when the said Tobias Knight was apprised, that the said Brand had been informed, that the said sugar had been connivingly put on shore for the said Knight's use, and that there might be found in his custody several things of value, belonging to the said Teache, and that the said Brand did intend to send his people to search his, the said Knight's house, he did then speak himself to the said Brand, and did acquaint him truly how, and for what reason, the said sugar was there lodged, viz: at the request of the said Teache, only, till a more convenient store could be procured, by the governor, for the whole, with assurance that the said Tobias Knight never did present any claim or right to any part thereof, and did, also, at the same time desire the said Brand, if he had any other information against him, he would be so civil as either to come himself, or send his secretary, to his house, and every lock in his said house should be opened to him, to which he only replied, that, though he had some spiteful things insinuated to him by evil minded persons, whose names he need not mention, intimating Mr. Maurice Moore, Jeremiah Vail, and others of that family, yet he had more honor than to do any such thing; for, that, ever since his coming into this government, he had found nothing in the said Tobias Knight, but a great deal of readiness to assist him in the service of the crown, very much becoming a gentleman, and one in his post,

which character he should give of him in Virginia, in opposition to all the false and malicious stories there suggested against him, or words to the same effect. Fifthly, as to the letter, that was said to be found, of the said Tobias Knight's writing, on board the said Teache's sloop, the said Knight doth believe to be true, for that he did write such a letter, by the governor's orders; he having advised him by letter that he had some earnest business with the said Teache; but he doth utterly deny that there was any evil intent in writing the said letter, but that he did verily believe, at the same time, that the said Teache was as free a subject of our lord the king, as any person in the government; and the said Tobias Knight doth further say, in his own justification, that when the said Teache and his crew first came into this government and surrendered themselves, pursuant to his majesty's proclamation of indemnity, the said Tobias Knight then was, and for a long time had been, confined to his bed by sickness, and that during his whole stay in this government he never was able to go from his plantation, nor did either the said Teache, or any of his crew, frequent the said Knight's house, unless when they had business at his office, as secretary or collector of the king's customs; neither did the said Tobias Knight, nor any of his family, contract any acquaintance with the said Teache, or any of his crew, nor did deal, buy or sell any with, or of, any of them, during their whole stay, save only two negro slaves, which the said Knight purchased from two men, who had received their pardons, and since are gone lawfully out of this government, and still continue in their good allegiance, and the said Tobias Knight

doth aver for a truth, that from the time the said Teache took his departure from this government, bound to St. Thomas's, he did never see the said Teache, or any of his people, until on or about the 24th of September last past; when he came and reported to the governor, that he had brought a wreck into this government, and particularly, that the said Teache was not, to the said Knight's knowledge, nor to the knowledge of any of his family, at or near his house, on or about the 14th day of September last past, as is most falsely suggested in the aforesaid evidence, given against him in Virginia; for the truth whereof, he refers himself to the examination and deposition of Mr. Edmund Chamberlain, aforesaid.

All of which is most humbly submitted by your honors most dutiful and most obedient servant,

T. KNIGHT.

Then, Mr. Edmund Chamberlain was examined, and his deposition was read and sworn to before this board, in the following words:

NORTH CAROLINA, SS.

The deposition of Edmund Chamberlain, gent. taken upon his examination before the honorable the governor and council, at a council board, holden at Chowan, the 27th day of May, 1719, who being sworn on the the Holy Evangelist, saith: that he, this deponent, hath been for some considerable time past, viz: ever since the latter end of August last past, to this time, a resident at the house of Tobias Knight, esq. in Bath county, and that particularly on or about the 14th of September last past, and for several days before

and since, he never was absent from the said Tobias Knight's house, either by night or by day, nor was there any passages or occurrences, as this deponent verily believes, kept a secret or unknown to him, and further, saith that this deponent did never see captain Edward Teache, nor any of his crew; neither was any of them to his knowledge at the said Tobias Knight's house, either by night or by day, until on or about the 24th day of the said last September, when, as this deponent is informed, he came up to the governor, and reported to him, that he had brought a wreck into this government; and this deponent doth verily believe that if the said Teache, or any of his crew, had come to the said Tobias Knight's, at any time, either by night or by day, before that time, and especially on or about the 14th of September, the said deponent must and should have seen them; because, at that time, there was an alarm of the heathens falling upon us, and this deponent was, at that time, and upon that account, very watchful, and apprehensive of every thing that stirred about the house, and the said Tobias Knight was also, at that time, in so ill a state of health, that this deponent verily believes he could not possibly have gone out of his house, to have had such communication with any person, as in the said pretended evidence is suggested, without manifest danger and hazard of his life; neither doth the deponent believe it was possible for the said Tobias Knight to have had such communication with any person, either within or without his said house, without his knowledge, for that his lodging room was so near to this deponent's, that he must have known thereof; and this deponent further saith, that he was at the said Tobias Knight's

house, on the 14th of September, when William Bell came and complained that he was robbed, and desired a hue and cry from the said Tobias Knight, and heard the said Tobias Knight examine the said Bell, whether he could describe the persons to him that robbed him; to which the said Bell said he could not, but said he did violently suspect one Thomas Undy and one Richard Snelling, commonly called Tettery Dick, to be two of them, and the others to be negroes, or white men disguised as such. Some time afterwards, he came again to the said Tobias Knight's, and had in suspicion one William Smith, and others: and this deponent further saith, that he never did see, or know of any presents, of any kind, to the said Tobias Knight, nor any of his family, from the said Teache, nor any of his crew, since his being at the said Tobias Knight's house, save only one gun, of about forty shillings value: and this deponent further saith, that some time, on or about the 25th of April last, he, the deponent had discourse with William Bell, of Currituck, merchant, concerning his being robbed of some money and goods, in Pamlico river, on or about the 14th day of September last, by captain Edward Teache, and among other things, he, the deponent, did ask the said Bell whether he thought the said Teache was at the said Tobias Knight's house the night he was robbed, or whether he thought he knew any thing of it, to which the said Bell replied, that the said Tobias Knight was a very civil gentleman, and his wife a very civil gentlewoman, and he did not think, or believe, that the said Teache was there, or that he knew any thing of the matter, or words to that effect.

EDMUND CHAMBERLAIN.

And this board having taken the whole into consideration, and it appearing to them, that the four evidences, called by the names of James Blake, Richard Stiles, James White and Thomas Gates, were actually no other than, four negro slaves, and since executed, as in the remonstrance is set forth, and that the other evidences, so far as they relate to the said Tobias Knight, are false and malicious, and that he hath behaved himself in that, and all other affairs wherein he hath been intrusted, as became a good and faithful officer; and, thereupon, it is the opinion of this board, that he is not guilty, and ought to be acquitted of the said crimes, and every of them, laid to his charge as aforesaid.

A journal of the proceedings of the commissioners for running the boundary line between Carolina and Virginia.

THE boundary betwixt the two governments having been long contested, it being uncertain what was meant by Currituck river, or gullet, in the king's charter, and many disputing which was Wyanoke creek, the line being to begin at the north end of Curratuck river or gullet, but there was no river known by that name; Curratuck being a large bay, extending northwardly and southwardly of the inlet, and the north end of it, above a dozen miles to the northward of the inlet, where the line ought to have begun, if by the river, or gullet, was meant the bay; but that not having been duly insisted on, the inlet in time began to be reputed the boundary, and the north-west river, and channel up to it, were acquiesced in as the natural bounds, which left all Nott's island in Virginia, to the southward of the inlet; but the governor of Virginia afterwards granted patents to the southward of the said river, when they thought it was to the northward of a west line from the inlet, viz: towards the head of the river, up to the dismal or great Pocason, on the west of which Pocason the bounds remaining unfixed, and great debates being about Wyanoke creek, to which the line was to run, the government of Virginia pretending it was a creek, since called Wicons, and Carolina claiming it to be a place called Nottaway.

Commissioners were appointed by both governments to settle the matter; and depositions were taken, on both sides, concerning the Wyonoke Indians, who, at different times, lived in both places, but no satisfaction being that way obtained, and the observations made to find the latitude differing as widely, the Virginia commissioners making the latitude of Wiccons to be in 36 deg. 40 min. and Nottaway to be in 37 deg. or 37 deg. 16 min.; this egregious error, (as it is since demonstrated to be) broke off the conference not without some warmth, and undue reflections made on it by Virginia; and some time after the two governors, viz: colonel Spotswood, lieutenant governor of Virginia, and colonel Eden, governor of Carolina, had an interview upon it, meeting at Nansemond, and agreed on certain proposals about the boundaries which were interchangeably signed.

That from the mouth of Currituck river, or inlet, and setting the compass on the north shore thereof, a due west line be run, and fairly marked, and if it happen to cut Chowan river, between the mouth of Nottaway river and Wiccon's creek, then shall the same direct course be continued towards the mountains, and be ever deemed the dividing line between Virginia and Carolina. That if the said west line cuts Chowan river to the southward of Wiccon's creek, then, from that point of intersection, the bounds shall be allowed to continue up the middle of said Chowan river to the middle of the entrance into the said Wiccon's creek, and from thence a due west line shall divide the two governments. That, if the said west line cuts Black water river to the northward of

Nattoway river, then, from that point of intersection, the bounds shall be allowed to continue down the middle of said Black water river, to the middle of the entrance into the said Nottaway river, and from thence a due west line shall divide the said two governments.

That if a due west line shall be found to pass through islands, or to cut out slips of land, which might much more conveniently be included in the one province than the other, by natural water bounds, in such cases, the persons appointed for running the lines shall have power to settle natural bounds: Provided, the commissioners on both sides agree thereto, and that all variations from the west line be punctually noted in the maps or plats which they shall return, to be put upon the records of both governments.

On the last of February, 1729, the commissioners set off, and met the Virginia commissioners at Currituck, the fifth day of March, at the inlet, but some of them being delayed by the weather, nothing was done that day. At night the variation was taken by the north star, viz: when the north star and the fourth in the great bear came on the meridian together, or on a perpendicular, which was done by a line hanging perpendicular from the end of a pole, and a moveable light, at some distance on the ground, to range at the same time in the line; and afterwards that light remaining fixed, and the perpendicular line set by the compass and the variance of that from the needle, is the variation which was found, about 3 degrees, and the sun's altitude the next morning made it much the same; and so again, when the north star was observed

the second night, so that it was agreed on to be the variation of the compass. The latitude, too, was observed, and found to be about 36 degrees and 31 minutes.

There was also a debate, at this conference, about the first station to set out from. The place being a little altered since the proposals were made, depositions were taken of the neighboring people. Thursday, March 7, a cedar post was fixed in the sand, on the north side of the inlet, for the first station, and a due west line set out with, viz: by the compass No. 87, west, and that day the line was run as far as Nott's island, about twenty rods to the northward of Wicker's house, and so across the island to the marsh, leaving about three hundred and fifty acres of upland of the island in Virginia, and two families; the rest of the island taken into Carolina, which is about five miles long, and also Jones, joining to it, which contains about two thousand acres and about half a score of families, thereby taken into Carolina, that before were in Virginia.

On the 8th of March, the line was run from Nott's island through the marsh and a part of Back bay, to the main, leaving a little of the marsh to the northward; but the greatest part taken into Carolina, of which, though some thousands acres partially surveyed, as could be learned only some by captain White, and about five hundred and forty acres by Mr. Morse. The main end is a point of land, made by Back bay and North river, about a mile and a half over, and was cut by the line near two miles from the end of the point, leaving about five or six families to the southward that had been reputed Virginians.

On the 9th of March, the line was continued across the point of Princess Anne county, striking North river to the northward of Richard Eisland's house, crossed the river and a great body of marsh, to the upland, near three miles to the northward of the mouth of Northwest river, which had been the reputed boundary.

On Sunday, March 10th, we rested at our camp at Marchand's plantation.

On the 11th, the line was continued to Northwest river, at the mouth of a small creek, running eastwardly towards Notham's house, being about a mile to the northward of Moyok creek, taking into Carolina, between North river and where it cuts Northwest river, about five or six thousand acres of land taken up, besides quantities of marsh and other land; including three thousand one hundred acres formerly belonging to governor Gibbs, now said to belong to the honorable Mr. Bladen, one of the lords of trade, there being five or six families in that space taken from Virginia.

On the 12th, the line was run from Northwest river, two hundred and thirteen chains, to a stooping red oak, by a path side that leads from John Monk's to Henry Bright's, being about twenty miles from the inlet, the line running about three quarters of a mile to the southward of a bridge of Northwest river, leaving about four or five poor families and small tracts of land in Virginia that before were reputed in Carolina, this being the first land that Virginia gained.

On the 13th, the line was continued to the edge of the Great or Dismal swamp, two hundred and seventy-eight chains, being about twenty-three miles and a

half from sea; the line this day running a few rods to southward of Richard Bellamy, sen.'s, leaving Henry Everidge to the southward of William Bellamy to the northward and Richard Lenton to the southward; and only three Carolina families were this day left into Virginia, though they all had but one tract of six hundred and forty acres of land among them; a few families, to the southward of Northwest river, were left in Virginia, who had Virginia patents before, and belonged thereto.

On the 14th, the line entered the Dismal, and it was the 28th before it was finished, though being found to be only about fifteen miles through in a direct course, and came out to the northward of Coreapeck swamp, greatly to the disappointment of the Virginians and to the great satisfaction of Carolina.

On the 29th, the line was run near the main road that leads from Perquimans to the White marsh, in Virginia, cutting the said road about seven or eight miles to the northward of captain Speight's, and a marked post was put up by the road.

On the 30th, the line was run five hundred and fifteen chains, near to Richard Parker's, whose house was left about one hundred rods to the southward.

On the 1st of April, the line was run nine hundred and thirteen chains, to Sommerton creek, cutting Sommerton road about a mile and a half to the southward of the Capple and Meherring ferry road, near William Speight's, whose plantation was split by the line, marked posts being put up on the main roads where the line crosses them.

On the 2d, the line was run seventy-two chains and a half, to Blackwater river, cutting the said river above

the mouth of Nottaway, going south on a straight line forty-four chains; and the line was continued this day to the upland from Nottaway river to an Indian old field. It now appeared how the government of Virginia had been mistaken, and how exceedingly their former commissioners and surveyors had erred in their reports and observations from the Great or Dismal swamp to Blackwater river, being twenty-one miles and a half that were taken by the line into Carolina, a very great quantity of land, and a number of families that before had been under Virginia, of which the time would not admit to take an exact account, but computed to above one hundred thousand acres, and above three hundred titheables.

On the 3d, the variation was observed in the night, and found to be here 2 1-2, so the line was run by the compass north 87 degrees 30 minutes west, and continued one thousand and twenty-two chains this day, to the side of Meherring river, being above a quarter of a mile to the northward of the line run formerly by colonel Allen, by order of the government of Virginia, which was done without allowing for the variation of the compass, by which means some lands and two or three families were this day taken into Carolina from Virginia.

On the 4th, a conference of the commissioners was held, and it was proposed by those of Virginia, that, as the hot weather and the season for snakes and vermin, were about commencing, a continuation of the service might be dangerous; desiring the opinion of the commissioners, whether it would not be better to defer the finishing of the line till the fall. It was answered by the commissioners of Carolina, that they

would be governed in it by the gentlemen commissioners of Virginia, being willing to proceed if they would; but if they thought fit to defer it to the fall, it was submitted to. After some debate, it was agreed on to defer the matter until the fall for finishing the line, and the commissioners on both sides agreed to meet again on the 10th of September following, only this day to run the line to some better place to leave off at; and accordingly the line was continued, crossing the river Meherring three times, to a red oak on the west side thereof, about a mile above Mrs. Kintchen's, at whose house the commissioners broke up.

Succinct history of the settlement of the *Unitas Fratrum*, or the United Brethren, in North Carolina.

The *Unitas Fratrum*, or the Protestant Episcopal Church of the United Brethren, commonly called Moravians, made the beginning of its settlement in North Carolina in the year 1753.

In the year 1735, some members of this church came from Europe, to settle in Georgia, on a piece of land, which was granted unto count Zinzendorf by the trustees of this province, for a settlement of the United Brethren. One of the principal motives for accepting this offer, was the hope, that thereby a way might be opened for the preaching of the gospel to the Indians, especially to the Creeks and Cherokees.

The first colony of brethren arrived in Georgia, in the spring of the year 1735, and received in the summer of the same year a considerable increase. They built a large house in the town of Savannah, and made a settlement in the country. God so blessed their industry, that in three years they were able to pay off all the money advanced to them. They likewise erected a school house for the children of the Creek Indians, on the river Savannah, four miles above the town. Many Indians, and with them their king, Tomo Tschatchi, came to see the brethren, and to hear the gospel, or, as they expressed it, *the great word*.

There was a fine prospect, that this settlement of the brethren would prosper, and they would find entrance with the gospel among the Indians, and be blessed with success in the instruction of their children, as some of them had already learned to read English pretty well, and began to write; but, as a war broke out between the British and the Spaniards, in 1737, and was renewed in 1739, the brethren, who were conscientiously scrupulous to take arms, were forced to do it, contrary to the promise made unto them, of being exempted from personal military service, they saw themselves necessitated to abandon their well cultivated land and houses, and remove, after having defrayed all the expenses incurred on their account, in 1738 and 1740, to Pennsylvania; where they began the settlements at Bethlehem and Nazareth, and likewise missions among the Indians in different parts of Pennsylvania and New-York. God blessed their labor among these savages, in so eminent a manner, that by his grace many of them turned from darkness to light, and from the power of Satan unto God, and received forgiveness of sin and inheritance among those that are sanctified by faith in Jesus.

The various oppressions which the brethren and their missionaries among the heathen, had to endure, by ill disposed persons and other circumstances, gave occasion to the negotiations of the *Unitas Fratrum* with the British parliament. The result of them was, that after a strict examination into the origin and the present state of the brethren's church, the *Unitas Fratrum* or United Brethren, were declared by a public act of the parliament of Great Britain, to which

the royal assent was given the 12th May, 1749, and which is entitled “ an act for encouraging the people known by the name of *Unitas Fratrum* or United Brethren, to settle his majesty’s colonies in America,” to be an ancient Protestant Episcopal church; that those who were settled in his majesty’s colonies in America, had demeaned themselves there as a sober, quiet and industrious people, and that they shall be indulged with full liberty of conscience, and be exempted from personal military service for a reasonable compensation, and be permitted, instead of taking an oath, in cases where the laws require it, to make a solemn affirmation or declaration.

While these negotiations with the British parliament were pending, several lords and gentlemen became more intimately acquainted with the brethren, and made offers unto them of settlements on the continent of America and on the islands. Among all these offers, none came to effect but the purchase of a hundred thousand acres of land in North Carolina, in the territory of the earl of Granville, the president of the privy council. The view of this colony was, to give to such of the brethren’s church and others, as should desire it, an opportunity of settling at a cheap rate, in a country as yet but little cultivated, to serve both in a temporal and spiritual sense the inhabitants, who were already settled there, and who should settle in their neighborhood, and to preach the gospel to them as well as to the Cherokees, Creeks and other Indians. The purchase of the land was made in the year 1751. August Gottlieb Spangenberg, one of the bishops of the *Unitas Fratrum*, who

then resided at Bethlehem, and had the superintendence of all the settlements and missions of the brethren in Pennsylvania, was commissioned to go with some brethren to North Carolina, in order to seek out, and survey the land. They departed in August, 1752, from Bethlehem for Edenton, and from thence with Mr. Churton, the general surveyor, to the head waters of the rivers Catawba, New river and Yadkin, where they spent several months before they could obtain their aim; during which time they suffered much by sickness, cold and hunger, till the end of the month of December. After having surveyed several small pieces of land on Catawba and New rivers, and at the Mulberry fields, on the Yadkin, they were led by the good hand of the Lord to a large tract of land on the east side of the Yadkin, full of springs, rivulets and creeks, well timbered, and, for the greatest part, good for agriculture and raising cattle.

Bishop Spangenberg and the other brethren returned in January, 1753, to Bethlehem, having finished the survey of 73,037 acres, in fourteen numbers: to these, an additional survey was made by Mr. Churton, of 25,948 acres, in five numbers, in the same tract; making the total sum of 98,925 acres.

In conformity to an agreement made heretofore, between the right honorable John, earl of Granville, lord president of his majesty's most honorable privy council, sole proprietor of a certain district, territory or parcel of land, lying in the province of North Carolina, in America, on one part, and the count Zinzendorf, lord advocate, chancellor and agent of the *Unitas Fratrum*, or United Brethren, on their behalf, on the

other part; the aforesaid tract of land, in consideration of a certain sum of money to him, the said John, earl Granville, to be paid, was granted and conveyed to James Hutton, gentleman, secretary of the *Unitas Fratrum*, or United Brethren, his heirs and assigns, in trust and for the use, benefit and behoof of the said *Unitas Fratrum*, to be set out and surveyed in convenient tracts and parcels, according to the option and direction of such person or persons, as should be employed for that purpose by the lord advocate, chancellor and agent aforesaid, to hold the same to the said James Hutton, his heirs and assigns, at and under a yearly rent to be annually paid to the said John, earl Granville, his heirs or assigns, &c.

The general deed for the whole tract was sealed and signed the 7th August, 1753. Besides it, nineteen special deeds were made for each number of the said tract. As count Zinzendorf had also the title of lord of the valley Wachau, in Austria, the aforesaid tract of 98,985 acres, was named Wachau, or WACHOVIA.

In order to facilitate the improvement of the land, to furnish a part of the purchase money, and to defray the transport, journey and other expenses of the first colonists, a society was formed, under the name of *The Wachovia Society*, consisting of members of the brethren's church and other friends. The directors of it were bishop Spangenberg and Cornelius Van Laer, a gentleman residing in Holland. The members of it, who were about twenty, received in consideration for the money which they advanced, two thousand acres of the land. This society was

again dissolved, in the year 1763, having proved very beneficial, and answered the intended purpose. In the autumn of the year 1753, the first colonists, twelve single brethren,* or unmarried men, came from Bethlehem to settle upon the land. They had a waggon, six horses, cattle, and the necessary household furniture and utensils for husbandry with them. After a very tedious and fatiguing journey, by way of Winchester, Evan's Gap and Upper Sauratown, on which they spent six weeks, they arrived on the land the 17th of November, and took possession of it. A small deserted cabin, which they found near the Mill creek, served them for a shelter, or dwelling house, the first winter.† They immediately began to clear some acres of land, and to sow it with wheat. In the year 1754, seven new colonists, likewise single brethren, came from Bethlehem. It was resolved, that on the same spot, where the first settlers had made already a small improvement, a town should be built, which was named *Bethabara*, (the house of passage) as it was meant only for a place of sojourning for a time, till the principal town, in the middle of the whole tract, could be built, at a convenient time. Bishop Bohler, who was here on a visit from Bethlehem, laid, on the 26th of November the corner stone for the first house in this

* Their names are: The reverend Bernhard Adam Grube, minister, Jacob Lash, warden, Hans Martin Kalberlahn, surgeon, Jacob Pfeil, shoemaker, Erich Ingelretsen and Henry Feldhousen, carpenters, Hans Petersen, taylor, Christoph Merkle, baker, Herrman Lash, miller, Jacob Lung, John Beroth and John Lisher, farmers.

† On the spot where this cabin stood a monument was erected in the year 1806, with the inscription, *Wachovia settlement, begun the 17th November, 1753.*

town, which was appointed for a church and dwelling house of the single brethren, with prayer and supplication to our Lord, that he might prosper the work. He likewise examined more accurately the greatest part of the Wachovia tract, divided it into proper parts for improvement, and gave names to several creeks, which are yet sometimes used, and are to be found in deeds and public records.

The *Mill creek*, on which Bethabara, or Old town, is built, was called *Johanna*, the *Muddy creek*, or Gargales, on which Bethany was afterwards built *Dorothy*, the *Middlefork*, on which now Salem, the principal town, stands, *Wach*, and the *Southfork*, which waters the Friedberg and Friedland settlements, *Ens*. In the year 1755, a mill was began to be built, on Mill creek, near Bethabara, which proved a great benefit to the settlement, and the circumjacent country, as more inhabitants soon settled in the neighborhood. In the month of May, bishop David Nitschmann came on a visit from Bethlehem, and on the 11th of the same month, the first meeting house was consecrated, which solemn transaction was attended with a gracious feeling of the divine presence. Many travellers and neighbors have heard afterwards, in this house, the word of life, with joy and gratitude. The physician, or surgeon, soon acquired an extensive practice, which was a great benefit to this infant settlement. In the autumn of the same year, Wachovia was declared by an act of assembly a separate parish, and after the name of their governor, called *Dobb's parish*. The reverend Christopher Thomas Benzien, from Bethlehem, was commissioned to transact this business with

the assembly. This regulation lasted to the year 1756. The reverend Mr. Jacob Rodgers, who came in the year, 1758 from England, was the first minister, or rector, of Dobb's parish. His ministry, as the preaching of the gospel by the brethren in general, was attended with great blessing to many hearers in the different places, on Muddy creek, Southfork, &c. where they used to preach, and particularly to a great number of people, who, on account of the war with the Shawanoes and Delaware Indians, in 1756, and the following years, sought, and found, refuge with the brethren. The latter enclosed their town, Bethabara, and the adjacent mill, near which some of the fugitives built houses, with pallisadoes. As there was at the same time a great scarcity of corn in North Carolina and Virginia; for the crop of Indian corn, which is the chief support of the inhabitants, had failed, the brethren, who had reaped a great quantity of wheat and rye, were enabled to supply the wants, not only of these fugitives, but also of many other people.

In the year 1758, the Cherokees and Catawbas, who went to war against the Indians on the Ohio, often marched through Bethabara, in large companies, sometimes several hundreds at once, and the brethren were obliged to find them quarters and provisions for several days. The Cherokees were much pleased with the treatment which they met, and gave to their nation the following description of Bethabara: *The Dutch fort, where there are good people and much bread.*

As several of the fugitives, who had constantly attended the preaching of the gospel, and felt the power

of it, asked leave of the brethren to stay with them and to settle on their land, it was resolved in the year 1759, when bishop Spangenberg and the reverend Mr. John Ettwein, from Bethlehem, were present, to lay out another town, three miles to the north from Bethabara, on Muddy creek, in the northwest corner of Wachovia tract. This was done in the month of July, and two thousand five hundred acres of land assigned to the town lot, which the inhabitants of the town should hold for a certain yearly rent, after three years rent free, for the first settlers. The town was called *Bethany*. It was laid out into thirty lots, fifteen of which in the upper part were assigned to the fugitives, and fifteen in the lower town were appointed for such families in Bethabara, (which settlement of late had received an increase of ten families from Bethlehem,) who might be inclined to begin husbandry and house-keeping for themselves; for, hitherto, every thing at Bethabara had been done and laid out for the common good, as was the case in Bethlehem, in the first beginning of that settlement. Bethabara was visited in the autumn of 1759, with an epidemical disorder, of which eleven persons died, and among them the German minister of the place, the reverend Christian Seidel, and the surgeon, Mr. Kalberlahn.

In the year 1760, the devastations and cruelties of the Cherokees, who had now joined the northern Indians in the war against the white people, put the inhabitants of Bethabara and Bethany under the necessity of being day and night continually upon their guard. Hostile Indians came often very near their towns, with an intention to destroy them, and to kill the inhabitants

or making them prisoners, but never ventured to make an attack. Often times, they were frightened by the ringing of the bell for meeting at church, which meetings the brethren in both places kept regularly on Sundays, and every evening in the week. Many soldiers, marching against the Indians, attended divine service in both places. In Bethany, about four hundred were present at it, on Easter Sunday. Besides the meeting house, ten dwelling houses were, in April, 1760, already built and inhabited, in this new town.

When peace was established, in the year 1761, with the Cherokees, the settlements increased in the following years in numbers, by new colonists from Pennsylvania, and trade and commerce began to flourish. At the end of the year 1765, the number of inhabitants in Bethabara was 88, and in Bethany 78. The greatest part in the latter place were farmers, and in the former tradesmen, as taylors, shoemakers, carpenters, potters, tanners, milwrights, gunsmiths, &c. In the year 1766, the beginning was made to build *Salem*, the principal settlement of the *Unitas Fratrum* in North Carolina, five miles to the south east from Bethabara. Hitherto, all the brethren and sisters who settled in North Carolina, came from Pennsylvania. But, in this year, the first company, consisting of ten persons, came from Germany, by way of London and Charleston. As bishop Spangenberg, who with unre-mitted zeal and diligence had superintended the affairs of these settlements, returned, in the year 1763, to Europe, Frederick William von Marshall, *senior civilis* of the *Unitas Fratrum*, was appointed in his place, in the year 1764. He laid out, in 1765, the

town of Salem, went in 1766 to Europe, to transact there the necessary business concerning this new settlement, and returned in 1768, with several brethren and sisters. In the conferences, which he had during his stay in Europe with the elders of the brethren's unity, it was resolved, that Salem should be built in the same manner, and have the same regulations as Herrnhut, Niesky, Bethlehem, and other settlements of the United Brethren, wherein the unmarried men and boys, and the unmarried women and girls, live in separate houses, by themselves. The house for the unmarried men, or single brethren, was built in the years 1768 and 1769.

In this and the following years, several families, chiefly farmers, from different parts of Pennsylvania, and the province of Maine, in New-England, settled on the Wachovia tract, and in the neighborhood of it, with a desire, that they and their children might be under the care of the brethren's church, and instructed by them in their way of life. Most of them were before in the connexion of the brethren, and had heard from them the gospel of our salvation through Christ's atoning blood and death, with a blessing for their souls. A part of the German families, who came from Pennsylvania, settled in the neighborhood of Bethany, where they attended regularly the meetings on Sunday: most of them having joined in the following time the brethren's church. Another part of said German families settled on the waters of the Southfork, in the southwest part of Wachovia. Several of these new, and some of the old, settlers in these parts, to whom the brethren had preached the gospel, since the year

1758, in the house of Adam Spach, were formed into a society of the brethren, and put themselves under their care in spiritual things. A meeting and school house was built on a piece of ground, consisting of seventy-seven acres, and consecrated for divine service on the 12th March, 1769. This settlement received the name of *Friedberg*. Another settlement in the south east part of Wachovia land, on the head waters of Southfork and on the Middlefork was begun in 1770, by about fourteen German families, who in this and the year before arrived from Broad bay, now York county, in Maine, in the state of Massachusetts. The first company, consisting of six families, was shipwrecked on their voyage from Broad bay to Wilmington, in North Carolina, near the island of Roanoke, but no lives were lost, and most of their goods saved. They found for the first, winter quarters and provisions in Salem, and assisted in building several houses in the new town. When the second company, consisting of eight families, accompanied by their minister, the reverend Mr. Soelle, arrived, the farm lots of the new settlement were laid out, in November, 1770, and the settlement called *Friedland*. In the middle of it, a lot of thirty acres was reserved for a meeting and school house. In the year 1771, the inhabitants in all the Wachovia settlements, and especially those in Bethabara, were in great danger, on account of the regulators, who were very numerous in these parts, and several times threatened to destroy the settlements of the brethren, as they would not join them in their opposition to government. Governor Tryon, after having obtained a complete victory over them, and re-esta-

blished order and peace, came with his army to Bethabara, to receive the oath of allegiance, and take the arms of all people in the neighborhood, who had opposed government. He and his army were highly gratified by the treatment they met from the brethren, and by their improvements and progress in agriculture and the mechanical arts. The brethren, on their part, acknowledged, with heartfelt gratitude, the mercy of God, in averting from them all evil in these perilous times, and in strengthening the arm of government for their protection.

In order to promote the internal and external welfare of the settlements of the brethren in North Carolina in general, and especially to assist in the regulations concerning the principal settlement at Salem, a deputation arrived this year from Europe, which was sent in conformity to a resolution, made in the general synod of the *Unitas Fratrum*, which was held in the year 1769, in Marienburg, in Germany. The deputies were two members of the elders' conference of the *Unitas Fratrum*, Christian Gregor and John Lorez, the first of whom was afterwards consecrated a bishop, and the latter a *senior civilis* of the brethren's church. Hans Christian von Schweinitz, Mr. von Marshall's son in law, one of the directors of the brethren's settlements in Pennsylvania, also assisted in this service. They arrived in September, 1771, from Pennsylvania, and having finished the work committed to their care, to the satisfaction of all the brethren and sisters, to whom this visit gave much joy and encouragement, they returned in November to Bethlehem. On the 13th of that month, the congre-

gation and meeting house in Salem, to which the corner stone had been laid on the 17th April, 1770, was consecrated.

In the year 1772, several English families, who lived in Carrollsmanor, in Frederick county, Maryland, and had been many years in connexion with the brethren's church, came to North Carolina, and began a settlement in the southwestern part of Wachovia tract, on the waters of Muddy creek. This settlement, which in the following year was increased by several other families from Maryland, received afterwards the name of *Hope*. A number of English families, living on the Yadkin river and Muddy creek, had the gospel preached unto them, since the year 1758, by the Rev. John Ethvein, Rogers, Usley and Soelle, and other ministers of the brethren's church, at stated times, in the houses of Christopher Elrod and Isaac Douthil, whereby they became connected with the brethren's church, and attended several years the meetings in Bethabara, Salem and Friedberg. Some of them became members of the latter congregation, the meeting house of which being the nearest to them. As these English families had a desire to have the gospel regularly preached unto them, in their own language, they, in conjunction with the English families arrived from Maryland, formed themselves into a society, with the intent to become in time a settled congregation of the church of the United Brethren, and to build a meeting house in the new settlement, wherein divine service might be held, and the holy sacraments administered unto them in their own language. Salem received this year an increase of above

sixty persons from Bethabara and Pennsylvania; and Friedberg, its settlement and regulations as a congregation of the brethren's church, and the holy communion was held for the first time in the meeting house, which had been built in this settlement as early as the year 1769.

In the year 1773, Wachovia, formerly a part of Anson, and afterwards of Rowan county, became a part of Surry county. By an act of assembly, made in this year, it was confirmed to be a separate parish. A vestry was elected in April, consisting of twelve persons, and two church wardens were appointed. The Rev. John Michael Graff, minister of the congregation in Salem, to whom the Rev. Paul Tiersch, who came last year from Pennsylvania, was associated in this office, was on the 6th June consecrated in Bethlehem, a bishop of the *Unitas Fratrum*. He ordained, on the 17th October, in Salem, Ludolph Gottlieb Bachhoff and John Jacob Ernst, deacons of the brethren's church: this was the first act of ordination performed in Wachovia. The general direction of all the settlements and congregations of the brethren in North Carolina, was now committed to Frederick William von Marshall, *senior civilis*, and John Michael Graff, *ep. for.*, to whom were associated Paul Tiersch, presbyter, and Richard Usley, deacon. They had to superintend all the general concerns, as well internal as external, and to deliberate on them in conference, under the name of the *General Helpers' Conference for Wachovia*.

The special direction of the three congregations in Salem, Bethabara and Bethania, was vested in an

elders' conference, consisting of the above named persons and all the ministers and elders of said congregations, who met regularly once a week in Salem. Committees, elected by the church members, were anew appointed in every place to assist the elders' conference, in keeping good order, and in transacting the external affairs of their congregations. Similar committees were afterwards constituted in Friedberg, Friedland and Hope.

In the years 1774 and 1775, two faithful gospel ministers entered into the joy of their Lord, viz: the Rev. Paul Tiersch on the 16th October, 1774, and the Rev. Richard Usley on the 9th October, 1775. In the beginning of the latter, Frederick William von Marshall went to Europe, accompanied by his wife, and attended the general synod of the *Unitas Fratrum* in Barbey, in Saxony, as *senior civilis* and deputy of all the brethren's congregations in North Carolina. He took his way through South Carolina and Georgia, and visited the missionary settlement of the brethren, which in the preceding year had been commenced on general Habersham's estate, in Georgia, for the conversion of the negroes, and conducted unto the missionaries an assistant from Salem.

During the revolutionary war, which commenced in 1776, the settlements of the brethren in North Carolina, suffered great hardships and losses, but experienced at the same time many signal proofs of the gracious providence and powerful protection of the Lord, to whom alone they ascribed their preservation in these perilous times, and who inclined the hearts of superior and inferior magistrates, and officers of the

armies on both sides, to interpose in their favor, oftentimes when they found themselves in the greatest distress and anxiety.

In 1778, several brethren were drafted for military service in the army, and each of them had to pay £25 North Carolina currency for a substitute: ill disposed persons took out warrants on the lands of the brethren. The system of parishes being abolished, the name of Dobbs' parish ceased of course. In the new county of Wilkes, the court house was built on a tract of land on Yadkin river, near the Mulberry fields, which had been granted in the year 1754 by lord Granville to Henry Cossart, in trust for the *Unitas Fratrum*, and on which certain persons had settled without leave. This occasioned in the following time a law suit, between the *Unitas Fratrum* on one side, as plaintiffs, and the persons who settled on the land, as defendants.

In January, 1779, the Rev. Gottfried Præzel and Christian Heckwælder, were sent to the general assembly, then sitting at Halifax, with a petition, signed by the greatest part of the brethren in Salem, Bethabara, Bethania and Friedberg, praying to be exempted from taking the oath of abjuration, and for protection in the quiet possession of their land, as several persons had entered in the new established land office several parts of the Wachovia lands, and even the town lots of Salem, Bethabara and Bethania. Upon this petition, the general assembly made a law, that the brethren, if they should take the affirmation of allegiance and fidelity to the state of Carolina, and the United States, should remain in the quiet possession of their proper-

ty, and be exempted from all personal military duties; provided they pay a triple tax. In conformity to this law, the brethren took the affirmation of allegiance and fidelity before a justice of the peace, and remained from that time undisturbed in the possession of their property, and of those privileges granted unto them by the before mentioned act of the British parliament and the assembly of this state.

A troop of light horse, belonging to general Pulaski's corps, were quartered in May of the same year, several days in Salem, and attended public worship, with great satisfaction. Their deportment was very civil, and they paid all their expenses. As one of them had lately recovered from the small pox, the town of Salem was infected, and forty persons got the disorder, of whom two died. Frederick William von Marshall returned, with his wife, from Europe, after an absence of nearly five years, being there so long detained on account of the war. They made the voyage from London to New-York in company with bishop John Frederick Reichel, a member of the Unity's elder's conference, who was deputed by it to hold a visitation of all the brethren's settlements and congregations in the United States of America, and arrived, with his wife, in Salem, in June 1780, with some assistants for the service of the congregations in North Carolina. During his stay, from the 15th June to the 5th October, he published the resolutions of the last general synod of the *Unitas Fratrum*, which was held in Barby, in 1755, made the necessary regulations in conformity to them, ordained three deacons, baptised several adult persons, and strengthened the con-

gregations and their divisions according to the different ages and sexes, by his public and private discourses to them, in faith, love and hope. The Lord blessed his labor in a particular manner.

On the 20th August, he held the first holy communion, in *Hope*, in the meeting house in this settlement, which was built in 1779, and this congregation was now settled and regulated according to the tenets, rules and rites established in the brethren's church. The same was done by him in Friedland, on the 4th September, in which settlement the meeting house had been built already, in the year 1775. These transactions were blessed in both places with a gracious feelings of the presence of the Lord, and the members of the new formed congregations pledged themselves mutually, in a solemn manner, by grace to walk worthily their high calling in Christ Jesus, in truth and love. As the legislature of North Carolina had resolved to meet in November, in Salem, the governor, and several members of both houses, stayed there several weeks, but no quorum was formed. These gentlemen were much satisfied with the reception and treatment which they met. Salem became more known, and the brethren were regarded as a peaceable, industrious and benevolent society. In the year 1782, an act was passed by the general assembly of North Carolina, entitled, "An act to vest in Frederick William Marshall, esq. of Salem, in Surry county, the lands of the *Unitas Fratrum*, in this state, for the use of the said United Brethren, and for other purposes."*

* It is as follows: "Whereas Frederick William Marshall, esq. of Salem, in Surry county, hath made it appear to this

On the 29th of August of the same year, bishop John Michael Graff, entered into eternal rest, and joy. The ministry of this meek and humble follower and faithful servant of Christ was blessed by his Lord in a particular manner to the congregation in Salem, and to all the brethren's congregation in North Carolina. The 4th of July in the year 1783, being set apart by the legislature of the state of North Carolina, as a day of prayer and thanksgiving, on account of the general assembly, that all the tracts of land in this state, belonging to the lord advocate, the chancellor and agent of the *Unitas Fratrum*, or United Brethren, have been transferred to him from the former possessors, in trust for the *Unitas Fratrum*, or United Brethren; and whereas doubts have arisen whether the said tracts do not come within the description of the confiscation act, and to quiet the minds of those to whom conveyances have been, or are to be, made, or any part, or parts, thereof:

“Be it, therefore, enacted, by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that a certain deed of lease and release, dated the 27th and 28th of October, 1778, from James Hutton, conveying the tract of Wachovia, in Surry county, be hereby declared valid in law, and to be admitted to probate in the county of Surry, and registered in the register's office, agreeable to the testimonials thereunto pertaining; and that all lands which, by a deed of bargain and sale of the 20th April, 1764, between William Churton and Charles Medcalf, registered in the county of Orange, in book No. 1, p. 106, and in Rowan county, in book 8, No. 5, p. 452, &c. were then conveyed to said Charles Medcalf, be hereby vested in the said Frederick W. Marshall, in trust as aforesaid, and all conveyances of the above mentioned lands, or any of them, made, or which shall be made, by the said Frederick W. Marshall shall be as good and valid, to all intents and purposes, as if the confiscation act had never passed.

“And be it further enacted, by the authority aforesaid: that the power of attorney of Christian Frederick Cossart, dated the 3d November, 1772, empowering said Frederick W. Marshall to sell his lands, be admitted to probate and registry in the county of Wilkes, and be as good and valid in law, as it could or might have been, had the act of confiscation never passed.”

treaty of peace and amity between the United States and Great Britain, was celebrated in a very solemn manner in all the brethren's congregations in this state, with heartfelt gratitude towards the Lord, for his protecting care and help which they had enjoyed during the war, in hours of danger and affliction, and with fervent prayers for the welfare and prosperity of the United States in general, and the state of North Carolina in particular, to the glorification of his name, and the propagation of the Redeemer's kingdom.

On the 31st of January, 1784, the tavern in Salem took fire by accident, and the whole building was reduced to ashes. This, and a similar accident in Bethabara, where, in December, 1802, the distillery house was consumed by fire, were the two only cases of distress by fires in the settlements of the brethren in North Carolina. Salem received, in the year 1785, two fire engines from Europe, and a fire regulation was made in this town. Bishop Johannes von Wattenwille, a member of the Unity's elders' conference, was deputed by the synod of the *Unitas Fratrum*, held in the year 1782, in Herrnhut, on a visitation of all the brethren's congregations in North America, and arrived, with his company, in May, 1784, in Bethlehem. They had a very tedious and dangerous voyage, and suffered shipwreck, on the the rocks on the coast of the small island of Barbuda, near Antigua. The reverend Daniel Koehler, appointed minister of the congregation in Salem, in the place of the late bishop Graff, was in his company, and arrived, with his wife, and some assistants, in the month of October, in Salem.

In the same month of the next year, bishop Johannes von Wattewille came, with his lady, (daughter of the late count Zinzendorff,) to Salem, and returned to Bethlehem in May, 1806. His visitation of this and the other brethren's congregations in North Carolina, was attended with a particular blessing of the Lord. During his stay, the general helper's conference for the superintendence of all the brethren's congregation in North Carolina, was anew regulated and the baron Frederick W. von Marshall, John Daniel Kœhler, Godfrey Præzel and Christopher Lewis Benzien became members of it.

In the year 1787, a society was formed, under the name of "A society of the United Brethren, for propagating the gospel among the heathen." The members of this society, who reside in Pennsylvania, New-York, New-Jersey, Rhode Island and Maryland, had their first general meeting on the 1st November, 1787, in Bethlehem, and those who reside in North Carolina, on the 19th June, 1788, in Salem.

In the synod of the *Unitas Fratrum*, which was held in the year 1789, in Herrnhut, and which the reverend John Ettwien and Jacob van Vleck attended as deputies from the brethren's congregations in Pennsylvania, and the adjacent states, and the reverend Christopher Lewis Benzien, as deputy from the brethren's congregation in North Carolina, the reverend John Daniel Kœhler, minister of the congregation in Salem, was elected a bishop of the brethren's church, and consecrated to this office on the 9th of May, 1790, in Litiz.

His excellency, general Washington, president of the United States, honored Salem, in the year 1791

on his tour through the southern states, with a visit, where he stayed two days, to the great joy and satisfaction of all the inhabitants, who paid him their regard in a respectful address, which he answered in an affectionate manner.

In the year 1792, Salem was afflicted by a malignant fever, of which fourteen persons died, all under thirty years of age, and whereby, for a time, all intercourse with the neighborhood was stopped. On the 9th of November, 1800, the consecration of a new church, in Salem, the corner stone of which was laid in 1798, was performed, in a very solemn manner. Most all of the brethren and sisters from the other settlements of the brethren in Wachovia, and a great number of neighbors and strangers, attended. All the transactions were accompanied with a gracious feeling of the divine presence.

On the 11th February, 1802, Frederick William von Marshall, *senior civilis*, was called into the eternal rest and joy, after a very laborious and useful life, of eighty-one years, of which he had spent more than fifty in the service of the *Unitas Fratrum*, and more than forty years in the service of the brethren's congregation in North Carolina, with great zeal and faithfulness, and under the blessing of the Lord, who crowned his undertakings with good success. By his last will, he devised to the reverend Christian Lewis Benzien the Wachovia and other tracts of land, which he possessed in trust for the *Unitas Fratrum*. As bishop Kœhler, who went, with his wife, at the end of the year 1800, to Europe, and attended the general synod of the *Unitas Fratrum*, which was held in the year 1801, in Herrnhut, as deputy of the brethren's

congregations in North Carolina, received, in the synod, another appointment, the reverend Charles Gottheld Reichel, from Nazareth, in Pennsylvania, was called, in his place, to be minister of the congregation in Salem, and being elected, in said synod, a bishop of the brethren's church, he was consecrated to this office on the 6th December, 1801, in Bethlehem. At the end of May, 1802, he came with his family, and some assistants, to Salem.

In the year 1803, the general direction of the brethren's congregation in North Carolina was committed by the Unity's elders' conference to the brethren Charles Gottheld Reichel, Christian Lewis Benzien and Simon Peter.

On the 17th November of said year, fifty years were completed since the arrival of the first twelve brethren from Bethlehem, who began the settlement of Wachovia. On this account, the day was celebrated as a jubilee by all the brethren's congregations in North Carolina, whose members met in Salem, and united in solemn praises and thanksgiving to our gracious Lord and Saviour, for all the favors and blessings which he had bestowed, in such a rich measure, during this period of fifty years, and in fervent prayers and supplications for a new outpouring of the spirit of grace, love and truth upon each congregation.

From the 25th October, 1806, to the 11th February, 1807, the reverend John Renatus Verbeck presb., and Charles von Forestier, *senior civilis*, two members of the Unity's elders' conference, were on a visitation in Salem, and the other brethren's congregations in North Carolina. The Lord blessed their labor abundantly, and strengthened thereby the bond of love and union

between the brethren's congregations in America and Europe, and other parts of the world, in a particular manner. Having visited all the congregations of the brethren's church in the United States, and likewise the mission settlements at Goshen and Pettuquating, in the state of Ohio, and at Fairfield, in Upper Canada, they returned, in October, 1807, to Europe. On their voyage from Philadelphia to Hamburg, they were detained in England, from whence they went, by way of Gottenburg and Copenhagen, to Hamburg, where they arrived at the end of May, 1808, safe and well, in Berthelsdorf, a village near Herrnhut, in Upper Lusatia, where at present the elders' conference of the *Unitas Fratrum* doth reside.

The following table shows the number of persons under the care of the brethren's church, in each of their settlements in North Carolina, children included, at the end of every decennium, from the 17th November, 1753, to the 31st December, 1807.

Settlements.	begun.	1753	1763	1773	1783	1793	1803	1807
Salem,	1766			132	185	241	290	316
Bethabara,	1753	12	77	54	73	94	81	92
Bethany,	1759		73	108	230	187	293	306
Friedberg,				57	232	280	331	346
Friedland,				32	133	173	135	183
Hope,				21	151	170	175	199
Total,		12	150	404	1004	1145	1305	1442

The beginning of the first settlement was made on the 17th November, 1753, with twelve persons:

Increase in the	1st ten years,	from 1753 to 1763,	133 persons
"	2d	"	1763 " 1773, 254 "
"	3d	"	1773 " 1783, 600 "
"	4th	"	1783 " 1792, 141 "
"	5th	"	1793 " 1803, 160 "

Increase in fifty years,	from 1753	" 1803,	1305 persons
"	four years,	from 1803	" 1807; 137 "

Increase in fifty-four years, from 1753 " 1807, 1442 persons

By the church registers, which are kept regularly in each settlement, it appears, that in the period of fifty years, from the 17th November, 1753, to the 17th November, 1803, 1357 births and baptisms of children, and 665 deaths, were entered; so that the number of births exceeds that of deaths by 692, which is more than one half: besides about 1300 births and baptisms of children, whose parents do not belong to the brethren's church, are entered during the same period in the register.

Now follows a description of each settlement.

Salem, the principal settlement of the United Brethren in North Carolina, is situated in Stokes county, eighteen miles to the south from Germantown, the county town, and 110 miles to the south-east from Raleigh, in 36 deg. 10 min. north lat. and 3 deg. 15 min. lon. west from Washington. The town was laid out in 1765, after a regular plan, on a piece of elevated but broken ground, near the Middlefork or Wach, over which a bridge was built in 1771. The principal street in it is sixty feet wide, in a direction from south to north, leading from the south-eastern parts of the state to Virginia. This is intersected by a street 56 feet in width, from east to west, leading to the Shallowford of the river Yadkin, which is at a distance of 18 miles. The other streets are 40 feet wide. Nearly in the centre of the town, is a square, 300 by 170 feet, surrounded with large catalba, sycamore, poplar and other trees. On the west side of this square, adjoining the main street, is a neat brick market house, which was built in 1803, and wherein also the fire engines of the town are kept in

a separate apartment. The town lots are 96 in number, from 66 to 85 in front, and from 170 to 280 in depth. Some are larger. The public buildings are:

1. *The church*, an elegant brick building, 92 by 45 feet, on the north-east corner of the square. It was built in the years 1798 to 1801, and consecrated on the 9th November, 1801, for divine service, which is held not only on Sundays, but every evening of the other days, chiefly in the German language. On the gallery, to the west side in the church, is a beautiful organ of fourteen stops: it is supposed to be at present the largest organ in the whole state of North Carolina. In the steeple, on the west end of the church, is the town clock, which strikes hours and quarters.

2. *The congregation house*, to the south of the church, wherein the ministers reside. In the upper story was the first meeting hall of the congregation at Salem, which is now used for children's and other private meetings. The house was built in 1771.

3. *The single brethren's house*, on the west side of the square, opposite the congregation house, wherein the large boys and unmarried men live and board. The northern part of this spacious house, which in front is two, and the back three stories high, was built in 1768, and the southern part, wherein apartments are for dining and sleeping, and for family worship, in 1786.

4. *The single sisters' house*, on the east side of the square, was built in 1785. The regulations are the same as in the single brethren's house. Some of the unmarried women and girls, who live and board in this house, get their livelihood by needle-

work, spinning, &c. The greater part of them are, in the day time, employed in the families with washing and other work.

5. *The school house for the boys*, on the north-west corner of the square, was built in 1794. The male children of the inhabitants of the town and of other members of the congregation, living in the neighborhood, receive from their sixth to their twelfth or fourteenth year, instruction in reading and writing German and English, cyphering, history, geography and some of them in the rudiments of the Latin language, drawing and music.

6. *The school house for the girls*, on the east side of the square, between the congregation and single sisters' houses, a neat and elegant brick building, 62 feet long and 42 feet deep, which was erected in the years 1803 and 1804. In the lower story are, besides a spacious entry, two large and some smaller apartments. In one of the first, the school for the female children in town is kept; the other is a dining room, for the young ladies who board in the house. In the upper story are three large apartments; in each of which, from fourteen to sixteen young ladies have room to live under the care of two tutoresses; a fourth apartment in this story, is to accommodate such as may become sick. Over and above these rooms, is a large hall, 60 feet long, 30 feet wide, and 14 feet high, wherein the young ladies sleep with their tutoresses. This seminary, which commenced in the year 1804, is under the direction of the minister and elders of the congregation in Salem, and under the special care and superintendence of an inspector, to

whom all parents and guardians, who intend to put young ladies into this school for education, have to apply. The branches taught are, reading, grammar, arithmetic, history, geography, German if desired, plain needlework, &c. Music and fine needlework, such as tambour and embroidery, including drawing, are two extra branches, in which instruction is given, if expressly desired. From the beginning of the institution, in May, 1804, to the end of the year 1807, about one hundred and twenty young ladies from North and South Carolina, Virginia, Kentucky, Tennessee and Georgia, received their education in it, of whom, at the end of 1807, forty-one remained in the seminary.

7. *The store*, contains a good assortment of merchandise. The goods are partly imported from Europe, partly taken from the merchants in Fayette, Petersburg, and chiefly in Philadelphia. This house was built in 1774, on the south-west corner of the square, opposite to the single sisters' house.

8. *The house of entertainment, or public tavern*, at the south-west end of the principal street, was built in 1772. In the year 1784, it was destroyed by fire, the only accident of this kind in Salem, and rebuilt of brick, as most all the public buildings are.

Besides these public buildings, the following are to be noted, viz: the post-office; the house of the doctor, with an apothecary shop, an elegant building on an eminence; the pottery; toy shop; the tannery and leather dressery: a great quantity of deer skins, cured and dressed here, are annually exported by way of Philadelphia to Hamburg. The other tradesmen and

mechanics in the town are: shoemaker, taylor, baker, carpenter, cabinetmaker, glover, hatter, saddler, wheelwright, turner, tinner, gunsmith, blacksmith, silversmith, watch and clockmaker, tobacconist, &c. In the neighborhood of the town are several mills, built on the Middle or Brushy fork and other small branches, as paper, oil, saw, grist and merchant mills, and a cotton machine. The whole number of persons, belonging to the Salem congregation, children included, was at the end of the year 1807, 316, whereof 233, besides 41 young ladies in the boarding school, lived in the town, and 83 in the neighborhood on their farms.; the greatest part of them are of German extraction. The number of dwelling houses in the town was about 40; the town lot belonging to Salem, contains 3440 acres. The town is provided with water from several springs, about a mile distant from it, the water of which is conducted through wooden pipes into the town, and distributed in such a manner, that the greatest part of the inhabitants are supplied with it: there are also wells of good water in the town.

Bethabara, the first settlement of the United Brethren in North Carolina, was begun in 1753. It is situated in Stokes county, five miles to the north-west from Salem, near the Mill creek. It has a handsome church, with a steeple, built of stone in 1788; a store, tannery and distillery, and several other houses, inhabited by tradesmen, viz: hatter, shoemaker, potter, turner, &c. The street on which the houses are built, in a direction from south-east to north-west, is 66 feet wide. On the Mill creek is a merchant and saw mill.

The congregation at Bethabara consisted, at the end of the year 1807, of ninety-two persons, children included, all Germans; thirty-nine of whom lived in the town, and fifty-three on their farms, in the neighborhood, from a half to four miles distant. The town lot, belonging to Bethabara, contains 2118 acres.

Bethania, or Bethany, is situated in Stokes county, near Muddy creek, nine miles to the north-west from Salem, and three miles from Bethabara. The town which was laid out in 1759, of thirty lots, consists of a single street, 56 feet wide, in a direction from south south-west to north north-east. The houses are frame or log houses, most of them two stories high, and inhabited by farmers and tradesmen, viz: blacksmith, gunsmith, wheelwright, hatter, tanner, taylor, shoemaker, &c. As the church, or meeting house, in the middle of the town, which was built in 1771, began to be too small for the congregation, a new neat brick church, 62 feet long and 42 feet deep, with a steeple on it, was built in 1807 and 1808. There is also a good store, tavern and apothecary shop in the town, and near it a saw and grist mill. The congregation at Bethania consisted, at the end of the year 1807, of 306 persons, children included, all Germans; of whom 130 lived in the town and 176 on their farms in the neighborhood, from a half to ten miles distant. The town lot contains 2500 acres.

Friedberg settlement is situated partly in Rowan and partly in Stokes county. The meeting house, which was built in 1768, is in Rowan county, near the line of Stokes county, nine miles from Salem to the south-west, on a lot of seventy-seven acres, belonging

to it. The number of persons under the care of the brethren's church, in this settlement, children included, were at the end of the year 1807, 346: they live on their farms, from one quarter to ten miles distant from the meeting house, where they attend divine service on Sundays, which is held in the German language.

Friedland, or Broadbay settlement, is situated in Stokes county. The meeting house, which was built in 1774, on a lot of thirty acres, belonging to it, is five miles from Salem, to the east. At the end of 1807, the number of persons in this settlement, under the care of the brethren's church, was 183, children included. The most distant live five to six miles from the meeting house, where divine service is held every Sunday, in the German language.

Hope, or Maryland settlement, is situated in Stokes and Rowan counties. The meeting house, wherein divine service is held every Sunday, in the English language, was built in 1779, and is eight miles from Salem, to the west, near Muddy Creek, on a lot of thirty acres, belonging to it. The number of persons under the care of the brethren's church, were, at the end of 1807, 199, children included. The greatest part live on Muddy creek and its branches, and some on Yadkin river, into which Muddy creek empties itself about eight miles below the meeting house. Near the latter is a merchant mill, on said creek, and a toll bridge over it, and five miles from this, a bridge over Yadkin river.

About eight miles above the Hope meeting house, and ten miles from Salem, on the west side of Muddy creek, a meeting house was built in 1782, by a Ger-

man Lutheran and Reformed congregation, wherein since the year 1797 divine service is held, by one of the ministers of the brethren's church, every fourth Sunday, in the German language.

The foregoing was received from the late major R. Williams, of Raleigh, and is believed to have been written by bishop REICHEL.

The following piece, which appeared in the Virginia Gazette, of November 7, 1771, was written by Maurice Moore, then one of the associate justices of the superior court of North Carolina.

To his Excellency WILLIAM TRYON, Esquire.

I am too well acquainted with your character to suppose you can bear to be told of your faults with temper. You are too much of the soldier, and too little of the philosopher, for reprehension. With this opinion of your excellency, I have more reason to believe, that this letter will be more serviceable to the province of New-York, than useful or entertaining to its governor. The beginning of your administration in this province was marked with oppression and distress to its inhabitants. These, Sir, I do not place to your account; they are derived from higher authority than yours. You were, however, a dull, yet willing instrument, in the hands of the British Ministry, to promote the means of both. You called together some of the principal inhabitants of your neighborhood, and, in a strange inverted self-affecting speech, told them that you had left your native country, friends and connections, and taken upon yourself the government of North Carolina with no other view than to serve it. In the next breath, Sir, you advised them to submit to the stamp act, and become slaves. How could you reconcile such baneful advice with such friendly professions? But, Sir, self

contradictions with you have not been confined to words only; they have been equally extended to actions. On other occasions, you have played the governor with an air of greater dignity and importance than any of your predecessors; on this, your excellency was meanly content to solicit the currency of stamped paper in private companies. But, alas! ministerial approbation is the first wish of your heart; it is the best security you have for your office. Engaged as you were in this disgraceful negotiation, the more important duties of the governor were forgotten, or wilfully neglected. In murmuring, discontent and public confusion, you left the colony committed to your care, for near eighteen months together, without calling an assembly. The stamp act repealed, you called one; and a fatal one it was! under every influence your character afforded you, at this assembly, was laid the foundation of all the mischief which has since befallen this unhappy province. A grant was made to the crown of five thousand pounds, to erect a house for the residence of a governor; and you, Sir, were solely intrusted with the management of it. The infant and impoverished state of this country could not afford to make such a grant, and it was your duty to have been acquainted with the circumstances of the colony you governed. This trust proved equally fatal to the interest of the province and to your excellency's honour. You made use of it, Sir, to gratify your vanity, at the expense of both. It at once afforded you an opportunity of leaving an elegant monument of your taste in building behind you, and giving the ministry an instance of your great influence and address in your

new government. You, therefore, regardless of every moral, as well as legal obligation, changed the plan of a province house for that of a palace, worthy the residence of a prince of the blood, and augmented the expense to fifteen thousand pounds. Here, Sir, you betrayed your trust, disgracefully, to the governour, and dishonorably to the man. This liberal and ingenious stroke in politics may, for all I know, have promoted you to the government of New-York. Promotions may have been the reward of such sort of merit. Be this as it may, you reduced the next assembly you met to the unjust alternative of granting ten thousand pounds more, or sinking the five thousand they had already granted. They chose the former. It was most pleasing to the governour, but directly contrary to the sense of their constituents. This public imposition upon a people, who, from poverty, were hardly able to pay the necessary expenses of government, occasioned general discontent, which your excellency, with wonderful address, improved into a civil war.

In a colony without money, and among a people, almost desperate with distress, public profusion should have been carefully avoided; but, unfortunately for the country, you were bred a soldier, and have a natural, as well as acquired fondness for military parade. You were intrusted to run a Cherokee boundary about ninety miles in length; this little service at once afforded you an opportunity of exercising your military talents, and making a splendid exhibition of yourself to the Indians. To a gentleman of your excellency's turn of mind, this was no unpleasing prospect; you marched to perform it, in a

time of profound peace, at the head of a company of militia, in all the pomp of war, and returned with the honorable title, conferred on you by the Cherokees, of *Great Wolf of North Carolina*. This line or marked trees, and your excellency's prophetic title, cost the province a greater sum than two pence a head, on all the taxable persons in it for one year, would pay.

Your next expedition, Sir, was a more important one. Four or five hundred ignorant people, who called themselves regulators, took it into their head to quarrel with their representative, a gentleman honored with your excellency's esteem. They foolishly charged him with every distress they felt; and, in revenge, shot two or three musket balls through his house. They at the same time rescued a horse which had been seized for the public tax. These crimes were punishable in the courts of law, and at that time, the criminals were amenable to legal process. Your excellency and your confidential friends, it seems, were of a different opinion. All your duty could possibly require of you on this occasion, if it required any thing at all, was to direct a prosecution against the offenders. You should have carefully avoided becoming a party in the dispute. But, Sir, your genius could not lie still; you enlisted yourself a volunteer in this service, and entered into a negotiation with the regulators, which at once disgraced you and encouraged them. They despised the governor who had degraded his own character by taking part in a private quarrel, and insulted the man whom they considered, as personally their enemy. The terms of accommodation your excellency had offered them

were treated with contempt. What they were I never knew; they could not have related to public offences; these belong to another jurisdiction. All hopes of settling the mighty contest by treaty ceasing, you prepared to decide it by means more agreeable to your martial disposition, an appeal to the sword. You took the field in September 1768, at the head of ten or twelve hundred men, and published an oral manifesto, the substance of which was, that you had taken up arms to protect a superiour court of justice from insult. Permit me here to ask you, Sir, why you were apprehensive for the court? Was the court apprehensive for itself? Did the judges, or the attorney-general, address your excellency for protection? So far from it, Sir, if these gentlemen are to be believed, they never entertained the least suspicion of any insult, unless it was that, which they afterwards experienced from the undue influence you offered to extend to them, and the military display of drums, colours and guards, with which they were surrounded and disturbed. How fully has your conduct, on a like occasion since, testified, that you acted in this instance from passion, and not from principle! In September 1770, the regulators forcibly obstructed the proceedings of Hillsborough superior court, obliged the officers to leave it, and blotted out the records. A little before the next term, when their contempt of courts was sufficiently proved, you wrote an insolent letter to the judges, and attorney general, commanding them to attend it. Why did you not protect the court at this time? You will blush at the answer, Sir. The conduct of the regulators, at the preceding term, made it more than probable that those

gentlemen would be insulted at this, and you were not unwilling to sacrifice them to increase the guilt of your enemies.

Your excellency said, that you had armed, to protect a court. Had you said to revenge the insult you and your friends had received, it would have been more generally credited in this country. The men, for the trial of whom the court was thus extravagantly protected, of their own accord, squeezed through a crowd of soldiers, and surrendered themselves, as if they were bound to do so by their recognition.

Some of these people were convicted, fined and imprisoned; which put a end to a piece of knight errantry, equally aggravating to the populace and burthensome to the country. On this occasion, Sir, you were alike successful in the diffusion of a military spirit through the colony in the warlike exhibition you set before the public; you at once disposed the vulgar to hostilities, and proved the legality of arming, in cases of dispute, by example. Thus warranted by precedent and tempered by sympathy, popular discontent soon became resentment and opposition; revenge superceded justice, and force the laws of the country; courts of law were treated with contempt, and government itself set at defiance. For upwards of two months was the frontier part of the country left in a state of perfect anarchy. Your excellency then though fit to consult the representatives of the people, who presented you a bill which you passed into a law. The design of this act was to punish past riots in a new jurisdiction, to create new offences and to secure the collection of the public

tax; which, ever since the province had been saddled with a palace, the regulators had refused to pay. The jurisdiction for holding pleas of all capital offences was, by a former law, confined to the particular district in which they were committed. This act did not change that jurisdiction; yet your excellency, in the fulness of your power, established a new one for the trial of such crimes in a different district. Whether you did this through ignorance or design can only be determined in your own breast; it was equally violative of a sacred right, every British subject is entitled to, of being tried by his neighbours, and a positive law of the province you yourself had ratified. In this foreign jurisdiction, bills of indictment were preferred, and found, as well for felonies as riots against a number of regulators; they refused to surrender themselves within the time limited by the riot act, and your excellency opened your third campaign. These indictments charged the crimes to have been committed in Orange county in a distinct district from that in which the court was held. The superior court law prohibits prosecution for capital offences in any other district, than that in which they were committed. What distinctions the gentlemen of the long robe might make on such an occasion I do not know, but it appears to me those indictments might as well have been found in your excellency's kitchen; and give me leave to tell you, Sir, that a man is not bound to answer to a charge that a court has no authority to make, nor doth the law punish a neglect to perform that, which it does not command. The riot act declared those only outlawed who refused to answer to indictments legally found. Those

who had been capitally charged were illegally indicted, and could not be outlaws; yet, your excellency proceeded against them as such. I mean to expose your blunders, not to defend their conduct; that was as insolent and daring as the desperate state your administration had reduced them to could possibly occasion. I am willing to give you full credit for every service you have rendered this country. Your active and gallant behaviour, in extinguishing the flame you yourself had kindled, does you great honour. For once your military talents were useful to the province; you bravely met in the field, and vanquished, an host of scoundrels whom you had made intrepid by abuse. It seems difficult to determine, Sir, whether your excellency is more to be admired for your skill in creating the cause, or your bravery in suppressing the effect. This single action would have blotted out, for ever, half the evils of your administration; but alas, Sir! the conduct of the general after his victory, was more disgraceful to the hero who obtained it, than that, of the man before it had been to the governor. Why did you stain so great an action with the blood of a prisoner who was in a state of insanity? The execution of James Few was inhuman; that miserable wretch was entitled to life till nature, or the laws of his country, deprived him of it. The battle of the Alamance was over; the soldier was crowned with success, and the peace of the province restored. There was no necessity for the infamous example of an arbitrary execution, without judge or jury. I can freely forgive you, Sir, for killing Robert Thompson, at the beginning of the battle; he was your prisoner, and was making his

escape to fight against you. The laws of self preservation sanctified the action, and justly entitle your excellency to an act of indemnity.

The sacrifice of Few, under its criminal circumstances, could neither atone for his crime nor abate your rage; this task was reserved for his unhappy parents. Your vengeance, sir, in this instance, it seems moved in a retrograde direction to that proposed in the second commandment against idolaters; you visited the sins of the child upon the father, and, for want of the third and fourth generation to extend it to, collaterally divided it between brothers and sisters. The heavy affliction with which the untimely death of a son had burthened his parents was sufficient to have cooled the resentment of any man, whose heart was susceptible of the feelings of humanity; yours, I am afraid, is not a heart of that kind? If it is, why did you add to the distresses of that family? Why refuse the petition of the town of Hillsborough in favour of them, and unresentingly destroy, as far as you could, the means of their future existence? It was cruel, sir, and unworthy a soldier.

Your conduct to others after your success, whether it respected person or property, was as lawless as it was unnecessarily expensive to the colony. When your excellency had exemplified the power of government in the death of a hundred regulators, the survivors, to a man, became proselytes to government; they readily swallowed your new coined oath, to be obedient to the laws of the province, and to pay the public taxes. It is a pity, sir, that in devising this oath you had not attended to the morals of those people. You might easily have restrained every cri-

minal inclination, and have made them good men, as well as good subjects. The battle of the Alamance had equally disposed them to moral and to political conversion; there was no necessity, sir, when the people were reduced to obedience, to ravage the country, or to insult individuals.

Had your excellency nothing else in view than to enforce a submission to the laws of the country, you might safely have disbanded the army within ten days after your victory; in that time the chiefs of the regulators were run away, and their deluded followers had returned to their homes. Such a measure would have saved the province twenty thousand pounds at least. But, sir, you had farther employment for the army; you were, by an extraordinary bustle in administering oaths, and disarming the country, to give a serious appearance of rebellion to the outrage of a mob; you were to aggravate the importance of your own services by changing a general dislike of your administration into disaffection to his majesty's person and government, and the riotous conduct that dislike had occasioned into premeditated rebellion. This scheme, sir, is really an ingenious one; if it succeeds, you may possibly be rewarded for your services with the honour of knighthood.

From the 16th of May to the 16th of June, you were busied in securing the allegiance of rioters, and levying contributions of beef and flour. You occasionally amused yourself with burning a few houses, treading down corn, insulting the suspected, and holding courts martial. These courts took cognizance of civil as well as military offences, and even extended their jurisdiction to ill breeding and want of good

manners. One Johnston, who was a reputed regulator, but whose greatest crime, I believe, was writing an impudent letter to your lady, was sentenced, in one of these military courts, to receive five hundred lashes, and received two hundred and fifty of them accordingly. But, sir, however exceptionable your conduct may have been on this occasion, it bears little proportion to that which you adopted on the trial of the prisoners you had taken. These miserable wretches were to be tried for a crime made capital by a temporary act of assembly, of twelve months duration. That act had, in great tenderness to his majesty's subjects, converted riots into treasons. A rigorous and punctual execution of it was as unjust, as it was politically unnecessary. The terror of the examples now proposed to be made under it was to expire, with the law, in less than nine months after. The sufferings of these people could therefore amount to little more than mere punishment to themselves. Their offences were derived from public and from private impositions; and they were the followers, not the leaders, in the crimes they had committed. Never were criminals more justly entitled to every lenity the law could afford them; but, sir, no consideration could abate your zeal in a cause you had transferred from yourself to your sovereign. You shamefully exerted every influence of your character against the lives of these people. As soon as you were told that an indulgence of one day had been granted by the court to two men to send for witnesses, who actually established their innocence, and saved their lives, you sent an aid-de-camp to the judges, and attorney general to acquaint them that you were dissatisfied with

the inactivity of their conduct, and threatened to represent them unfavourably in England, if they did not proceed with more spirit and despatch. Had the court submitted to influence, all testimony, on the part of the prisoners, would have been excluded; they must have been condemned, to a man. You said that your solicitude for the condemnation of these people arose from your desire of manifesting the lenity of government, in their pardon. How have your actions contradicted your words! Out of twelve that were condemned, the lives of six only were spared. Do you know, sir, that your lenity on this occasion was less than that of the bloody Jeffries in 1685? He condemned five hundred persons, but saved the lives of two hundred and seventy.

In the execution of the six devoted offenders, your excellency was as short of general Kirk in form, as you were of judge Jeffries in lenity. That general honoured the execution he had the charge of with play of pipes, sound of trumpets, and beat of drums; you were content with the silent display of colours only. The disgraceful part you acted in this ceremony, of pointing out the spot for erecting the gallows, and clearing the field around for drawing up the army in form, has left a ridiculous idea of your character behind you, which bears a strong resemblance to that of a busy undertaker at a funeral. This scene closed your excellency's administration in this country, to the great joy of every man in it, a few of your own contemptible tools only excepted.

Where I personally your excellency's enemy, I would follow you into the shade of life, and show

you equally the object of pity and contempt to the wise and serious, and of jest and ridicule to the ludicrous and sarcastic. Truly pitiable, sir, is the pale and trembling impatience of your temper. No character, however distinguished for wisdom and virtue, can sanctify the least degree of contradiction to your political opinions. On such occasions, sir, in a rage, you renounce the character of a gentleman, and precipitately, mark the most exalted merit with every disgrace the haughty insolence of a governor can inflict upon it. To this unhappy temper, sir, may be ascribed most of the absurdities of your administration in this country. It deprived you of every assistance men of spirit and abilities could have given you, and left you, with all your passions and inexperience about you, to blunder through the duties of your office, supported and approved by the most profound ignorance and abject servility.

Your pride has as often exposed you to ridicule, as the rude petulance of your disposition has to contempt. Your solicitude about the title of *her excellency* for Mrs. Tryon, and the arrogant reception you gave to a respectable company at an entertainment of your own making, seated with your lady by your side on elbow chairs, in the middle of the ball room, bespeak a littleness of mind, which, believe me, sir, when blended with the dignity and importance of your office, renders you truly ridiculous.

High stations have often proved fatal to those who have been promoted to them; yours, sir, has proved so to you. Had you been contented to pass through life in a subordinate military character; with the pri-

vate virtues you have, you might have lived serviceable to your country, and reputable to yourself; but sir, when, with every disqualifying circumstance, you took upon you the government of a province, though you gratified your ambition, you made a sacrifice of yourself.

Your's &c.

ATTICUS.

THE Fundamental Constitutions of Carolina: as compiled by JOHN LOCKE.

OUR sovereign lord the king, having, out of his royal grace and bounty, granted unto us the province of Carolina, with all the royalties, properties, jurisdictions and privileges of a county palatine, as large and ample as the county palatine of Durham, with other great privileges; for the better settlement of the government of said place, and establishing the interest of the lords proprietors with equality, and without confusion; and that the government of this province may be made most agreeable to the monarchy under which we live, and of which this province is a part; and that we may avoid erecting a numerous democracy: we the lords and proprietors of the province aforesaid, have agreed to this following form of government, to be perpetually established amongst us, unto which we do oblige ourselves, our heirs and successors, in the most binding ways that can be devised.

1. The eldest of the lords proprietors shall be palatine; and, upon the decease of the palatine, the eldest of the seven surviving proprietors shall always succeed him.

2. There shall be seven other chief officers erected, viz. the admirals, chamberlains, chancellors, constables, chief justices, high stewards and treasurers; which places shall be enjoyed by none but the lords

proprieters, to be assigned at first by lot; and, upon the vacancy of any one of the seven great offices by death, or otherwise, the eldest proprietor shall have his choice of the said place.

3. The whole province shall be divided into counties; each county shall consist of eight signiories; eight baronies, and four precincts; each precinct shall consist of six colonies.

4. Each signiory, barony and colony, shall consist of twelve thousand acres; the eight signiories being the share of the eight proprietors, and the eight baronies of nobility; both which shares, being each of them one fifth part of the whole, are to be perpetually annexed, the one to the proprietors, the other to the hereditary nobility, leaving the colonies, being three fifths, amongst the people; so that in setting out and planting the lands, the balance of the government may be preserved.

5. At any time before the year one thousand seven hundred and one, any of the lords proprietors shall have power to relinquish, alienate and dispose, to any other person, his proprietorship, and all the signiories, powers and interest, thereunto belonging, wholly and entirely together, and not otherwise. But, after the year one thousand seven hundred, those who are then lords proprietors shall not have power to alienate or make over their proprietorship, with the signiories and privileges thereunto belonging, or any part thereof, to any person whatsoever, otherwise than as in §. XVIII; but it shall all descend unto their heirs male, and, for want of heirs male, it shall all

descend on that landgrave or cassique of Carolina, who is descended of the next heirs female of the proprietor; and, for want of such heirs, it shall descend on the next heir general; and, for want of such heirs, the remaining seven proprietors shall, upon the vacancy, choose a landgrave to succeed the deceased proprietor, who being chosen by the majority of the seven surviving proprietors, he and his heirs successively, shall be proprietors, as fully to all intents and purposes as any of the rest.

6. That the number of eight proprietors may be constantly kept; if, upon the vacancy of any proprietorship, the seven surviving proprietors shall not choose a landgrave to be a proprietor, before the second biennial parliament after the vacancy; then the next biennial parliament but one, after such vacancy, shall have power to choose any landgrave to be a proprietor.

7. Whosoever, after the year one thousand seven hundred, either by inheritance or choice, shall succeed any proprietor in his proprietorship, and signories thereunto belonging; shall be obliged to take the name and arms of that proprietor whom he succeeds; which from thenceforth shall be the name and arms of his family and their posterity.

8. Whatsoever landgrave or cassique shall any way come to be a proprietor, shall take the signories annexed to the said proprietorship; but his former dignity, with the baronnies annexed, shall devolve into the hands of the lords proprietors.

9. There shall be just as many landgraves as there are counties, and twice as many cassiques, and no more. These shall be the hereditary nobility of the province, and by right of their dignity be members of parliament. Each landgrave shall have four baronies, and each cassique two baronies hereditarily and unalterably annexed to, and settled upon, the said dignity.

10. The first landgraves and cassiques of the twelve first counties to be planted, shall be nominated thus: that is to say, of the twelve landgraves, the lords proprietors shall each of them, separately for himself, nominate and choose one; and the remaining four landgraves, of the first twelve, shall be nominated and chosen by the palatine's court. In like manner of the twenty-four cassiques, each proprietor for himself shall nominate and choose two, and the remaining eight shall be nominated and chosen by the palatine's court; and when the twelve first counties shall be planted, the lords proprietors shall again in the same manner, nominate and choose twelve more landgraves and twenty-four cassiques, for the twelve next counties to be planted; that is to say, two thirds of each number by the single nomination of each proprietor for himself, and the remaining one third by the joint election of the palatine's court, and so proceed in the same manner till the whole province of Carolina be set out and planted, according to the proportions in these Fundamental Constitutions.

11. Any landgrave or cassique at any time before the year one thousand seven hundred and one, shall

have power to alienate, sell, or make over, to any other person, his dignity, with the baronies thereunto belonging, all entirely together. But, after the year one thousand seven hundred, no landgrave or cassique shall have power to alienate, sell, make over, or let, the hereditary baronies of his dignity, or any part thereof, otherwise than as in §. XVIII; but they shall all entirely, with the dignity thereunto belonging, descend unto his heirs male; and, for want of heirs male, all entirely and undivided, to the next heir general; and for want of such heirs, shall devolve into the hands of the lords proprietors.

12. That the due number of landgraves and cassiques may be always kept up; if, upon the devolution of any landgraveship or cassiqueship, the palatine's court shall not settle the devolved dignity, with the baronies thereunto annexed, before the second biennial parliament after such devolution; the next biennial parliament but one after such devolution, shall have power to make any one landgrave or cassique in the room of him, who, dying without heirs, his dignity and baronies devolved.

13. No one person shall have more than one dignity, with the signiories and baronies thereunto belonging. But whensoever it shall happen that any one, who is already proprietor, landgrave, or cassique, shall have any of these dignities descend to him by inheritance, it shall be at his choice to keep which of the dignities, with the land annexed, he shall like best; but shall leave the other, with the lands annexed, to be enjoyed by him, who, not being his heir ap-

parent and certain successor to his present dignity, is next of blood.

14. Whosoever, by the right of inheritance, shall come to be landgrave or cassique, shall take the name and arms of his predecessor in that dignity, to be from thenceforth the name and arms of his family and their posterity.

15. Since the dignity of proprietor, landgrave, or cassique, cannot be divided, and the signiories or baronies thereunto annexed, must forever all entirely descend with, and accompany that dignity; whensoever, for want of heirs male, it shall descend on the issue female, the eldest daughter, and her heirs shall be preferred, and the inheritance of those dignities, and the signiories or baronies annexed, there shall be no co-heirs.

16. In every signiory, barony and manor, the respective lord shall have power, in his own name, to hold court-leet there, for trying of all causes both civil and criminal; but where it shall concern any person being no inhabitant, vassal, or leet-man of the said signiory, barony, or manor, he, upon paying down the sum of 40 shillings to the lords proprietor's use, shall have an appeal from the signiory or barony court to the county court, and from the manor court to the precinct court.

17. Every manor shall consist of not less than three thousand acres, and not above twelve thousand acres, in one entire piece and colony; but any three thousand acres or more in one piece, and the pos-

session of one man, shall not be a manor, unless it be constituted a manor by the grant of the palatine's court.

18. The lords of signiories and baronies shall have power only of granting estates not exceeding three lives, thirty-one years, in two thirds of said signiories or baronies, and the remaining third shall be always demesne.

19. Any lord of a manor may alienate, sell or dispose, to any other person and his heirs forever, his manor, all entirely together, with all the privileges and leet-men thereunto belonging, so far forth as any colony lands; but no grant of any part thereof, either in fee, for any longer term than three lives, or one and twenty years, shall stand good against the next heir.

20. No manor, for want of issue male, shall be divided amongst co-heirs; but the manor, if there be but one, shall all entirely descend to the eldest daughter and her heirs. If there be more minors than one, the eldest daughter first shall have her choice, the second next, and so on, beginning again at the eldest, till all the manors be taken up; that so the privileges which belong to manors being indivisible, the lands of the manors, to which they are annexed, may be kept entire, and the manor not lose those privileges, which, upon parcelling out to several owners, must necessarily cease.

21. Every lord of manor, within his manor, shall have all the rights, powers, jurisdictions and privi-

leges, which every landgrave or cassique hath in his baronies.

22. In every signiory, barony and manor, all the leet-men shall be under the jurisdiction of the respective lords of the said signiory, barony, or manor, without appeal from him. Nor shall any leet-man or leet-woman, have liberty to go off from the land of their particular lord, and live any where else, without license obtained from their said lord, under hand and seal.

23. All the children of leet-men shall be leet-men, and so to all generations.

24. No man shall be capable of having a court-leet or leet-men, but a proprietor, landgrave, cassique, or lord of a manor.

25. Whoever shall voluntarily enter himself a leet-man, in the registry of a county court, shall be a leet-man.

26. Whoever is lord of leet-men, shall, upon the marriage of a leet-man or leet-woman, of his, give them ten acres of land for their lives; they paying to him, therefor, not more than one eighth part of all the yearly produce and growth of the said ten acres.

27. No landgrave or cassique shall be tried for any criminal cause, in any but the chief justice's court, and that by a jury of his peers.

28. There shall be eight supreme courts. The first called the palatine's court, consisting of the pal-

atine and the other seven proprietors. The other seven courts of the other seven great officers, shall consist each of them of a proprietor, and six counsellors added to him. Under each of these latter seven courts, shall be a college of twelve assistants. The twelve assistants of the several colleges shall be chosen, two out of the landgraves, cassiques, or eldest sons of proprietors, by the palatine's court; two out of the landgraves, by the landgraves' chamber; two out of the cassiques, by the cassiques' chamber; four more of the twelve shall be chosen by the commons' chamber, out of such as have been, or are, members of parliament, sheriffs, or justices of the county court, or the younger sons of proprietors, or eldest sons of landgraves or cassiques; the two others shall be chosen by the palatine's court, out of the same sort of persons, out of which the commons' chamber is to choose.

29. Out of these colleges shall be chosen at first, by the palatine's court, six counsellors, to be joined with each proprietor in his court; of which six, one shall be of those who were chosen in any of the colleges by the palatine's court, out of the landgraves, cassiques, or eldest sons of proprietors; one out of those who were chosen by the landgraves' chamber; and one out of those who were chosen by the cassiques' chamber; two out of those who were chosen by the commons' chamber; and one out of those who were chosen by the palatine's court, out of the proprietors younger sons, or eldest sons of landgraves, cassiques or commons, qualified as aforesaid.

30. When it shall happen that any counsellor dies, and thereby there is a vacancy, the grand council shall have power to remove any counsellor that is willing to be removed out of any of the proprietors courts, to fill up the vacancy; provided they take a man of the same degree and choice the other was of, whose vacant place is to be filled up. But if no counsellor consent to be removed, or upon such remove, the last remaining vacant place, in any of the proprietor's courts, shall be filled up by the choice of the grand council, who shall have power to remove out of any of the colleges, any assistant, who is of the same degree and choice that that counsellor was of, into whose vacant place he is to succeed. The grand council also shall have power to remove any assistant, that is willing, out of one college into another, provided he be of the same degree and choice. But the last remaining vacant place in any college, shall be filled up by the same choice, and out of the same degree of persons the assistant was of, who is dead or removed. No place shall be vacant in any proprietor's court above six months. No place shall be vacant in any college longer than the next session of parliament.

31. No man, being a member of the grand council, or of any of the seven colleges, shall be turned out for misdemeanor, of which the grand council shall be judge; and the vacancy of the person so put out, shall be filled, not by the election of the grand council, but by those who first chose him, and out of the same degree he was of who is expelled. But it is not hereby to be understood, that the grand council hath

any power to turn out any one of the lords proprietors or their deputies. the lords proprietors having in themselves an inherent original right.

32. All elections in the parliament, in the several chambers of the parliament, and in the grand council, shall be passed by balloting.

33. The palatine's court shall consist of the palatine and seven proprietors, wherein nothing shall be acted without the presence and consent of the palatine or his deputy, and three others of the proprietors or their deputies. This court shall have power to call parliaments, to pardon all offences, to make elections of all officers in the proprietor's dispose, and to nominate and appoint port towns; and also shall have power by their order to the treasurer to dispose of all public treasure, excepting money granted by the parliament, and by them directed to some particular public use; and also shall have a negative upon all acts, orders, votes and judgments, of the grand council and the parliament, except only as in §. VI. and XII; and shall have all the powers granted to the lords proprietors, by their patent from our sovereign lord the king, except in such things as are limited by these fundamental constitutions.

34. The palatine himself, when he in person shall be either in the army or in any of the proprietors courts, shall then have the power of general, or of that proprietor, in whose court he is then present; and the proprietor, in whose court the pal-

atine then presides, shall during his presence there be but as one of the council.

35. The chancellor's court, consisting of one of the proprietors, and his six counsellors, who shall be called vice-chancellors, shall have the custody of the seal of the palatinate, under which all charters of lands, or otherwise, commissions and grants of the palatine's court, shall pass. And it shall not be lawful to put the seal of the palatinate to any writing, which is not signed by the palatine or his deputy, and three other proprietors or their deputies. To this court also belong all state matters, dispatches, and treaties with the neighbour Indians. To this court also belong all invasions of the law, of liberty of conscience, and all disturbances of the public peace, upon pretence of religion, as also the licence of printing. The twelve assistants belonging to this court shall be called recorders.

36. Whatever passes under the seal of the palatinate, shall be registered in that proprietor's court, to which the matter therein contained belongs.

37. The chancellor or his deputy shall be always speaker in parliament, and president of the grand council, and, in his and his deputy's absence, one of his vice-chancellors.

38. The chief justice's court, consisting of one of the proprietors and his six counsellors, who shall be called justices of the bench, shall judge all appeals in cases both civil and criminal, except all

such cases as shall be under the jurisdiction and cognizance of any other of the proprietor's courts, which shall be tried in those courts respectively. The government and regulation of the registries of writings and contracts, shall belong to the jurisdiction of this court. The twelve assistants of this court shall be called masters.

39. The constable's court, consisting of one of the proprietors and his six counsellors, who shall be called marshals, shall order and determine of all military affairs by land, and all land-forces, arms, ammunition, artillery, garrisons, forts, &c. and whatever belongs unto war. His twelve assistants shall be called lieutenant-generals.

40. In time of actual war, the constable, whilst he is in the army, shall be general of the army, and the six counsellors, or such of them as the palatine's court shall for that time or service appoint, shall be the immediate great officers under him, and the lieutenant-generals next to them.

41. The admiral's court, consisting of one of the proprietors, and his six counsellors, called consuls, shall have the care and inspection over all ports, moles, and navigable rivers, so far as the tide flows, and also all the public shipping of Carolina, and stores thereunto belonging, and all maritime affairs. This court also shall have the power of the court of admiralty; and shall have power to constitute judges in port-towns, to try cases belonging to law-merchant, as shall be most convenient for trade, The

twelve assistants, belonging to this court, shall be called proconsuls.

42. In time of actual war, the admiral, whilst he is at sea, shall command in chief, and his six counsellors, or such of them as the palatine's court shall for that time and service appoint, shall be the immediate great officers under him, and the proconsuls next to them.

43. The treasurer's court, consisting of a proprietor and his six counsellors, called under-treasurers, shall take care of all matters that concern the public revenue and treasury. The twelve assistants shall be called auditors.

44. The high-steward's court, consisting of a proprietor and his six counsellors, called comptrollers, shall have the care of all foreign and domestic trade, manufactures, public buildings, work-houses, highways, passages by water above the flood of the tide, drains, sewers, and banks against inundations, bridges, post, carriers, fairs, markets, corruption or infection of the common air or water, and all things in order to the public commerce and health; also setting out and surveying of lands; and also setting out and appointing places for towns to be built on in the precincts, and the prescribing and determining the figure and bigness of the said towns, according to such models as the said court shall order; contrary or differing from which models it shall not be lawful for any one to build in any town. This court shall have power also to make any public building,

or any new high-way, or enlarge any old high-way, upon any man's land whatsoever; as also to make cuts, channels, banks, locks and bridges, for making rivers navigable, or for draining fens, or any other public use. The damage the owner of such lands (on or through which any such public things shall be made) shall receive thereby, shall be valued, and satisfaction made by such ways as the grand council shall appoint. The twelve assistants, belonging to this court, shall be called surveyors.

45. The chamberlain's court, consisting of a proprietor and his six counsellors, called vice-chamberlains, shall have the care of all ceremonies, precedence, heraldry, reception of public messengers, pedigrees, the registry of all births, burials, marriages, legitimation, and all cases concerning matrimony, or arising from it; and shall also have power to regulate all fashions, habits, badges, games and sports. To this court also it shall belong to convocate the grand council. The twelve assistants, belonging to this court, shall be called provosts.

46. All causes belonging to, or under the jurisdiction of any of the proprietors courts, shall in them respectively be tried, and ultimately determined, without any farther appeal.

47. The proprietors courts shall have a power to mitigate all fines, and suspend all executions in criminal causes, either before or after sentence, in any of the other inferior courts respectively.

48. In all debates, hearings, or trials, in any of the proprietor's courts, the twelve assistants belonging to the said courts respectively, shall have liberty to be present, but shall not interpose, unless their opinions be required, nor have any vote at all; but their business shall be, by the direction of the respective courts, to prepare such business as shall be committed to them; as also to bear such offices, and dispatch such affairs, either where the court is kept or elsewhere, as the court shall think fit.

49. In all the proprietor's courts, the proprietor, and any three of his counsellors, shall make a quorum; provided always, that, for the better dispatch of business, it shall be in the power of the palatine's court, to direct what sort of causes shall be heard and determined by a quorum of any three.

50. The grand council shall consist of the palatine and seven proprietors, and the forty-two counsellors of the several proprietor's courts, who shall have power to determine any controversies that may arise between any of the proprietor's courts, about their respective jurisdictions, or between the members of the same court, about their manner and methods of proceedings; to make peace and war, leagues, treaties, &c. with any of the neighbour Indians; to issue out their general orders to the constable's and admiral's courts, for the raising, disposing, or disbanding the forces, by land or by sea.

51. The grand council shall prepare all matters to be proposed in parliament, Nor shall any mat-

ter whatsoever be proposed in parliament, but what hath first passed the grand council; which, after having been read three several days in the parliament, shall by majority of votes be passed or rejected.

52. The grand council shall always be judges of all causes and appeals that concern the palatine, or any of the lords proprietors, or any counsellor of any proprietor's court, in any cause, which otherwise should have been tried in the court in which the said counsellor is judge himself.

53. The grand council, by their warrants to the treasurer's court, shall dispose of all the money given by the parliament, and by them directed to any particular public use.

54. The quorum of the grand council shall be thirteen, whereof a proprietor or his deputy shall be always one.

55. The grand council shall meet the first Tuesday in every month, and as much oftener as either they shall think fit, or they shall be convoked by the chamberlain's court.

56. The palatine, or any of the lords proprietors, shall have power under hand and seal, to be registered in the grand council, to make a deputy, who shall have the same power to all intents and purposes as he himself who deposes him; except in confirming acts of parliament, as in §. LXXVI, and except also in nominating and choosing landgraves and cassiques, as

in §. x. All such deputations shall cease and determine at the end of four year, and at any time shall be revocable at the pleasure of the deputator.

57. No deputy of any proprietor shall have any power whilst the deputator is in any part of Carolina, except the proprietor, whose deputy he is, be a minor.

58. During the minority of any proprietor, his guardian shall have power to constitute and appoint his deputy.

59. The eldest of the lords proprietors, who shall be personally in Carolina, shall of course be the palatine's deputy, and if no proprietor be in Carolina, he shall choose his deputy out of the heirs apparent of any of the proprietors, if any such be there; and if there be no heir apparent of any of the lords proprietors above one and twenty years old in Carolina, then he shall choose for deputy any one of the landgraves of the grand council; and till he have by deputation under hand and seal chosen any one of the forementioned heirs apparent or landgraves to be his deputy, the eldest man of the landgraves, and, for want of a landgrave, the eldest man of the cassiques, who shall be personally in Carolina, shall of course be his deputy.

60. Each proprietor's deputy shall be always one of his own six counsellors respectively; and in case any of the proprietors hath not, in his absence out of Carolina, a deputy, commissioned under his hand and seal, the eldest nobleman of his court shall of course be his deputy.

61. In every county there shall be a court, consisting of a sheriff, and four justices of the county, for every precinct one. The sheriff shall be an inhabitant of the county, and have at least five hundred acres of freehold within the said county; and the justices shall be inhabitants, and have each of them five hundred acres a-piece freehold within the precinct for which they serve respectively. These five shall be chosen and commissioned from time to time by the palatine's court.

62. For any personal causes exceeding the value of two hundred pounds sterling, or in title of land, or in any criminal cause; either party, upon paying twenty pounds sterling to the lords proprietors use, shall have liberty of appeal from the county court unto the respective proprietor's court.

63. In every precinct there shall be a court, consisting of a steward and four justices of the precinct, being inhabitants, and having three hundred acres of freehold within the said precinct, who shall judge all criminal causes; except for treason, murder, and any other offences punishable with death, and except all criminal causes of the nobility; and shall judge also all civil causes whatsoever; and in all personal actions not exceeding fifty pounds sterling, without appeal; but where the cause shall exceed that value, or concern a title of land, and in all criminal causes; there either party, upon paying five pounds sterling to the lords proprietors use, shall have liberty of appeal to the county-court.

64. No cause shall be twice tried in any one court, upon any reason or pretence whatsoever.

65. For treason murder, and all other offences punishable with death, there shall be a commission, twice a year at least, granted unto one or more members of the grand council or colleges; who shall come as itinerant judges to the several counties, and with the sheriff and four justices shall hold assizes to judge all such causes; but, upon paying of fifty pounds sterling to the lords proprietors use, there shall be liberty of appeal to the respective proprietor's court.

66. The grand jury at the several assizes, shall, upon their oaths, and under their hands and seals, deliver in to the itinerant judges a presentment of such grievances, misdemeanors, exigences, or defects, which they think necessary for the public good of the county; which presentments shall, by the itinerant judges, at the end of their circuit, be delivered in to the grand council at their next sitting. And whatsoever therein concerns the execution of laws already made; the several proprietors courts, in the matters belonging to each of them respectively, shall take cognizance of it, and give such order about it, as shall be effectual for the due execution of the laws. But whatever concerns the making of any new law, shall be referred to the several respective courts to which that matters belong, and be by them prepared and brought to the grand council.

67. For terms, there shall be quarterly such a certain number of days, not exceeding one and twenty at any one time, as the several respective courts shall appoint. The time for the beginning of the

term, in the precinct-court, shall be the first Monday in January, April, July, and October; in the county-court, the first Monday in February, May, August, and November; and in the proprietors courts, the first Monday in March, June, September, and December.

68. In the precinct-court no man shall be a jury-man under fifty acres of freehold. In the county-court, or at the assizes, no man shall be a grand jury-man under three hundred acres of freehold; and no man shall be a petty jury-man under two hundred acres of freehold. In the proprietors courts no man shall be a jury-man under five hundred acres of freehold.

69. Every jury shall consist of twelve men; and it shall not be necessary they should all agree, but the verdict shall be according to the consent of the majority.

70. It shall be a base and vile thing to plead for money or reward; nor shall any one (except he be a near kinsman, not farther off than cousin-german to the party concerned) be permitted to plead another man's cause, till, before the judge in open court, he hath taken an oath, that he doth not plead for money or reward, nor hath nor will receive, nor directly nor indirectly bargained with the party, whose cause he is going to plead, for money or any other reward for pleading his cause.

71. There shall be a parliament, consisting of the proprietors or their deputies, the landgraves

and cassiques, and one freeholder out of every precinct, to be chosen by the freeholders of the said precinct respectively. They shall sit all together in one room, and have every member one vote.

72. No man shall be chosen a member of parliament, who hath less than five hundred acres of freehold within the precinct for which he is chosen; nor shall any have a vote in choosing the said member that hath less than fifty acres of freehold within the said precinct.

73. A new parliament shall be assembled the first Monday of the month of November every second year, and shall meet and sit in the town they last sit in, without any summons, unless by the palatine's court they be summoned to meet at any other place. And if there shall be any occasion of a parliament in these intervals, it shall be in the power of the palatine's court to assemble them in forty days notice, and at such time and place as the said court shall think fit; and the palatine's court shall have power to dissolve the said parliament when they shall think fit.

74. At the opening of every parliament, the first thing that shall be done, shall be the reading of these fundamental constitutions, which the palatine and proprietors, and the rest of the members then present, shall subscribe. Nor shall any person whatsoever sit or vote in the parliament, till he hath that session subscribed these fundamental constitutions, in a book kept for that purpose by the clerk of the parliament.

75. In order to the due election of members for the biennial parliament, it shall be lawful for the freeholders of the respective precincts to meet the first Tuesday in September every two years, in the same town or place that they last met in, to choose parliament-men; and there choose those members that are to sit the next November following, unless the steward of the precinct shall, by sufficient notice thirty days before, appoint some other place for their meeting, in order to the election.

76. No act or order of parliament shall be of any force, unless it be ratified in open parliament during the same session, by the palatine or his deputy, and three more of the lords proprietors or their deputies; and then not to continue longer in force but until the next biennial parliament, unless in the mean time it be ratified under the hands and seals of the palatine himself, and three more of the lords proprietors themselves, and by their order published at the next biennial parliament.

77. Any proprietor or his deputy may enter his protestation against any act of the parliament, before the palatine or his deputy's consent be given as aforesaid; if he shall conceive the said act to be contrary to this establishment, or any of these fundamental constitutions of the government. And in such case, after full and free debate, the several estates shall retire into four several chambers; the palatine and proprietors into one; the landgraves into another; the cassiques into another; and those chosen by the precincts into a fourth: and if the

major part of any of the four estates shall vote that the law is not agreeable to this establishment, and these fundamental constitutions of the government, then it shall pass no farther, but be as if it had never been proposed.

78. The quorum of the parliament shall be one half of those who are members, and capable of sitting in the house that present session of parliament. The quorum of each of the chambers of parliament shall be one half of the members of that chamber.

79. To avoid multiplicity of laws, which by degrees always change the right foundations of the original government, all acts of parliament whatsoever, in whatsoever form passed or enacted, shall, at the end of an hundred years after their enacting, respectively cease and determine of themselves, and without any repeal become null and void, as if no such acts of laws had ever been made.

80. Since multiplicity of comments, as well as of laws, have great inconveniences, and serve only to obscure and perplex; all manner of comments and expositions on any part of these fundamental constitutions, or any part of the common or statute law of Carolina, are absolutely prohibited.

81. There shall be a registry in every precinct, wherein shall be enrolled all deeds, leases, judgments, mortgages, and other conveyances, which may concern any of the land within the said precinct; and all such conveyances not so entered or

registered, shall not be of force against any person nor party to the said contract or conveyance.

82. No man shall be register of any precinct, who hath not at least three hundred acres of freehold within the said precinct.

83. The freeholders of every precinct shall nominate three men; out of which three, the chief justice's court shall choose and commission one to be register of the said precinct, whilst he shall well behave himself.

84. There shall be a registry in every signiory, barony and colony, wherein shall be recorded all the births, marriages and deaths, that shall happen within the respective signiories, baronies and colonies.

85. No man shall be register of a colony, that hath not above fifty acres of freehold within the said colony.

86. The time of every one's age, that is born in Carolina, shall be reckoned from the day that his birth is entered in the registry, and not before.

87. No marriage shall be lawful, whatever contract and ceremony they have used, till both parties mutually own it before the register of the place where they were married, and he register it, with the names of the father and mother of each party.

88. No man shall administer to the goods, or have right to them, or enter upon the estate of any person deceased, till his death be registered in the respective registry.

89. He that doth not enter in the respective registry the birth or death of any person that is born or dies in his house or ground, shall pay to the said register one shilling per week for each such neglect, reckoning from the time of each birth or death respectively, to the time of registering it.

90. In like manner the births, marriages and deaths of the lords proprietors, landgraves and cassiques, shall be registered in the chamberlain's court.

91. There shall be in every colony one constable, to be chosen annually, by the freeholders of the colony; his estate shall be above a hundred acres of freehold within the said colony, and such subordinate officers appointed for his assistance as the county court shall find requisite, and shall be established by the said county court. The election of the subordinate annual officers shall be also in the freeholders of the colony.

92. All towns incorporate shall be governed by a mayor, twelve aldermen and twenty-four of the common council. The said common council shall be chosen by the present householders of the said town; the aldermen shall be chosen out of the common council; and the mayor out of the aldermen, by the palatine's court.

93. It being of great consequence to the plantation, that port towns should be built and preserved; therefore, whosoever shall lade or unlade any commodity at any other place but a port town, shall forfeit to the lords proprietors, for each ton so laden or unladen, the sum of ten pounds sterling; except only such

goods as the palatine's court shall license to be laden or unladen elsewhere.

94. The first port town upon every river shall be in a colony, and be a port town forever.

95. No man shall be permitted to be a freeman of Carolina, or to have any estate or habitation within it, that doth not acknowledge a God; and that God is publicly and solemnly to be worshipped.

96. [As the country comes to be sufficiently planted and distributed into fit divisions, it shall belong to the parliament to take care for the building of churches, and the public maintenance of divines, to be employed in the exercise of religion, according to the church of England; which being the only true and orthodox, and the national religion of all the king's dominions, is so also of Carolina; and, therefore, it alone shall be allowed to receive public maintenance, by grant of parliament,*]

97. But since the natives of that place, who will be concerned in our plantation, are utterly strangers to Christianity, whose idolatry, ignorance, or mistake, gives us no right to expel, or use them ill; and those who remove from other parts to plant there, will unavoidably be of different opinions concerning matters of religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us, on this account, to keep them out; that civil peace may be maintained amidst the diversity of opinions,

*This article was not drawn up by Mr. Locke; but inserted by some of the chief of the proprietors, against his judgment; as Mr. Locke himself informed one of his friends, to whom he presented a copy of these constitutions.

and our agreement and compact with all men may be duly and faithfully observed; the violation whereof, upon what pretence soever, cannot be without great offence to almighty God, and great scandal to the true religion, which we profess; and also that Jews, Heathens, and other dissenters from the purity of Christian religion, may not be scared and kept at a distance from it, but, by having an opportunity of acquainting themselves with the truth and reasonableness of its doctrines, and the peaceableness and inoffensiveness of its professors, may, by good usage and persuasion, and all those convincing methods of gentleness and meekness, suitable to the rules and design of the gospel, be won over to embrace and unfeignedly receive the truth; therefore any seven or more persons agreeing in any religion, shall constitute a church or profession, to which they shall give some name, to distinguish it from others.

98. The terms of admittance and communion with any church or profession, shall be written in a book, and therein be subscribed by all the members of the said church or profession; which book shall be kept by the public register of the precinct wherein they reside.

99. The time of every one's subscription and admittance shall be dated in the said book of religious record.

100. In the terms of communion of every church or profession, these following shall be three; without which no agreement or assembly of men, upon pretence of religion, shall be accounted a church or profession within these rules:

I. "That there is a God."

II. "That God is publicly to be worshipped."

III. "That it is lawful and the duty of every man, being thereunto called by those that govern, to bear witness to truth; and that every church or profession shall, in their terms of communion, set down the external way whereby they witness a truth as in the presence of God, whether it be by laying hands on or kissing the bible, as in the church of England, or by holding up the hand, or in any other sensible way."

101. No person above seventeen years of age shall have any benefit or protection of the law, or be capable of any place of profit or honor, who is not a member of some church or profession, having his name recorded in some one, and but one religious record at once.

102. No person of any other church or profession shall disturb or molest any religious assembly.

103. No person whatsoever shall speak any thing in their religious assembly irreverently or seditiously of the government or governors, or state matters.

104. Any person subscribing the terms of communion, in the record of the said church or profession, before the precinct register, and any five members of the said church or profession, shall be thereby made a member of the said church or profession.

105. Any person striking out his own name out of any religious record, or his name being struck out by any officer thereunto authorised by each church or profession respectively, shall cease to be a member of that church or profession.

106. No man shall use any reproachful, reviling or abusive language, against the religion of any church or profession; that being the certain way of disturbing the peace, and hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors and that profession, which otherwise they might be brought to assent to.

107. Since charity obliges us to wish well to the souls of all men, and religion ought to alter nothing in any man's civil estate or right, it shall be lawful for slaves, as well as others, to enter themselves, and be of what church or profession any of them shall think best, and therefore be as fully members as any freeman. But yet no slave shall hereby be exempted from that civil dominion his master hath over him, but be in all other things in the same state and condition he was in before.

108. Assemblies, upon what pretence soever of religion, not observing and performing the above said rules, shall not be esteemed as churches, but unlawful meetings, and be punished as other riots.

109. No person whatsoever, shall disturb, molest or persecute another for his speculative opinions in religion, or his way of worship.

110. Every freeman of Carolina shall have absolute power and authority over his negro slaves, of what opinion or religion soever.

111. No cause, whether civil or criminal, of any freeman, shall be tried in any court of judicature, without a jury of his peers.

112. No person whatsoever, shall hold or claim any land in Carolina by purchase or gift, or otherwise, from

the natives, or any other whatsoever; but merely from and under the lords proprietors; upon pain of forfeiture of all his estate, moveable or immoveable, and perpetual banishment.

113. Whosoever shall possess any freehold in Carolina, upon what title or grant soever, shall, at the farthest, from and after the year one thousand six hundred and eighty-nine, pay yearly unto the lords proprietors, for each acre of land, English measure, as much fine silver as is at this present in one English penny, or the value thereof, to be as a chief rent and acknowledgment to the lords proprietors, their heirs and successors, forever. And it shall be lawful for the palatine's court, by their officers at any time, to take a new survey of any man's land, not to out him of any part of his possession, but that by such a survey, the just number of acres he possesseth may be known, and the rent thereupon due may be paid by him.

114. All wrecks, mines, minerals, quarries of gems, and precious stones, and with pearl-fishing, whale-fishing, and one half of all ambergris, by whomsoever found, shall wholly belong to the lords proprietors.

115. All revenues and profits belonging to the lords proprietors in common, shall be divided into ten parts, whereof the palatine shall have three, and each proprietor one; but if the palatine shall govern by a deputy, his deputy shall have one of those three tenths, and the palatine the other two tenths.

116. All inhabitants and freemen of Carolina, above seventeen years of age, and under sixty, shall

be bound to bear arms, and serve as soldiers, whenever the grand council shall find it necessary.

117. A true copy of these Fundamental Constitutions shall be kept in a great book, by the register of every precinct, to be subscribed before the said register. Nor shall any person, of what condition or degree soever, above seventeen years old, have any estate or possession in Carolina, or protection or benefit of the law there, who hath not, before a precinct register, subscribed these Fundamental Constitutions in this form:

“I, A. B. do promise to bear faith and true allegiance to our sovereign lord king, Charles II., his heirs and successors; and will be true and faithful to the palatine and lords proprietors of Carolina, their heirs and successors; and with my utmost power will defend them, and maintain the government according to this establishment in these Fundamental Constitutions.”

118. Whatsoever alien, shall, in this form, before any precinct register, subscribe these Fundamental Constitutions, shall be thereby naturalized.

119. In the same manner shall every person, at his admittance into any office, subscribe these Fundamental Constitutions.

120. These Fundamental Constitutions, in number a hundred and twenty, and every part thereof, shall be and remain the sacred and unalterable form and rule of government of Carolina forever. Witness our hands and seals, the first day of March, sixteen hundred and sixty-nine.

HISTORY OF NORTH CAROLINA.



THE
HISTORY
OF
NORTH CAROLINA,
FROM THE EARLIEST PERIOD.

—◆—
BY FRANCOIS-XAVIER MARTIN.

—◆—
*Coloniæ autem jura, institutaque populi Romani, non sui
arbitrii habebant.*

GEL. lib. 16, cap. 23.

VOLUME II.

—
NEW-ORLEANS:

PRINTED BY A. T. PENNIMAN & CO.

Corner of Chartres and Bienville Streets.

1829.

Eastern District of Louisiana, ss.

BE IT REMEMBERED, That on the twentieth day of July, in the year of our Lord one thousand eight hundred and twenty-nine, and of the independence of the United States the fifty-third, FRANCOIS-XAVIER MARTIN, of the said district, hath deposited in the Clerk's office for the District Court of the United States for the Eastern District of Louisiana, the title of a book, the right whereof he claims as author, to wit:

"The History of North Carolina, from the earliest period. By François-Xavier Martin.

Coloniæ autem jura, institutaque populi Romani, non sui arbitrii, habebant.

GEL. lib. 16, cap. 23.

In conformity to an act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the times therein mentioned;" and also, to the act entitled "An act supplementary to an act, entitled 'an act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned,' and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

FRANKLIN W. LEA,

*Clerk of the United Court for the Eastern District
of Louisiana.*



THE
HISTORY
OF
NORTH CAROLINA.

CHAPTER I.

CAROLINA, on its becoming the property of the crown, was divided into two distinct provinces, and on the 29th of April, 1730, George Burrington, who a few years before, had presided over the northern part of the province, under the authority of the lords proprietors, was appointed governor of North Carolina. He did not reach his government till the middle of the month of February; Sir Richard Everard yielded him the supreme authority without any struggle, and he qualified at Edenton on the 25th. None of the former officers were continued. William Smith was appointed chief justice, Nathaniel Rice, secretary, Edmund Porter, judge of the admiralty, John Montgomery, attorney general, and Robert Holton, provost marshal. Those officers were named as counsellors, in the governor's commission. John Palin, Joseph Jenoure, John Baptist Ashe, Cornelius Harnett, John Lovick, Edmund Gale and Mathew Rowan were either named with them in the same instrument, or called into the king's council, during Burrington's administration.

His instructions provided, that three members of the king's council should constitute a quorum; they required him, in case of a vacancy, to forward with

the information of it, the names of a number of respectable planters, whom he might deem proper persons to fill it; but, in case the board was reduced to less than seven members, they authorized him, with the advice of the council, to fill vacancies, until that number was complete. He had power to suspend any member of the council, on just cause, from his seat at the board, until the king's pleasure was known; to grant reprieves in cases of treason, and pardons for all other offences, and to collate to all ecclesiastical benefices.

He was directed, with the advice of the council, to call assemblies of the freeholders of the province, according to former usage, and authorised, with their consent and that of the council, to exercise legislative powers: but the provincial acts were to be transmitted to the king in council for his revision, and on his disallowance they were to cease having any force.

With the assent of the council, he was also empowered to establish courts of justice, fairs and markets, and to dispose of vacant lands.

The governor and council were authorized to hold a court of error, and take cognizance of all suits, in which the matter in dispute exceeded in value the sum of one hundred pounds, and from them an appeal lay to the king in council, in England, if it exceeded three hundred pounds sterling.

The lords of the admiralty had granted to governor Burrington a commission of vice-admiral in the province.

The vice-admiral, members of the council, commanders of the king's ships in the province,

chief-justice, judge of the vice-admiralty, secretary, receiver and surveyor-general, were constituted a court for the trial of pirates.

The prosperity of the king's new acquisition depending in a great degree on the tranquility of its inhabitants, it had been judged by the British ministry, an object of primary importance to secure the friendship of the nations of Indians, by whom there was most reason to apprehend it might be disturbed. For this purpose Sir Alexander Cumming was sent to conclude a treaty of alliance with the Cherokees, at that time a warlike and formidable nation. They occupied the land on the back part of the settlements of both the Carolinas, towards the Appalachean mountains. The country they claimed as their hunting grounds was of immense extent, and the boundaries of it had never been ascertained. The inhabitants of their different towns were computed to amount to more than twenty thousand, six thousand of whom were warriors, fit to take the field on any emergency. An alliance, with this nation, was an object of importance to the Carolinas, and likewise to the mother country, who now engaged their protection and defence. Sir Alexander arrived at Charleston about the same time that governor Burrington reached Edenton. He lost no time, and in a few weeks after met the chiefs of the Cherokee lower towns, at Keowee; they received him with marks of friendship and esteem. Messengers were immediately sent to the towns in the middle, valley and over hill settlements to summon a general meeting of the chiefs, for the purpose of holding a congress

with Sir Alexander, in the month of April, at Requassee.

Immediately after his qualification, governor Burrington issued a proclamation for convening the first legislative assembly of the province, under the immediate authority of the crown. They were called at Edenton, and required to meet on the 13th of April, 1731. With a view to secure the friendship of the Indians, who were immediately on the western frontier of his government, he sent John Brikell, a physician, to meet them. The doctor sat off in the latter part of February from Edenton, attended by a company of ten men and two Indians as huntsmen and interpreters. The detail of his journey affords an accurate idea of the state of the country, at that time. He had provided himself with fire arms, ammunition, horses, two mariner's compasses, rum, salt, pepper, Indian corn, and other necessities. After they had passed the plantations of the whites, they camped every evening an hour before sunset, tied their horses to trees, which they made the Indians climb up to procure a sufficient quantity of moss for the horses, and to make beds for the men. They then sent the Indians to hunt, and, in the mean while, made a large fire of broken limbs of trees, which they found plentifully scattered through the woods; they piled them up, in order to continue burning all night, to prevent wild beasts or pernicious insects from approaching them or their horses.

As soon as the Indians had discharged one or two shots, and given signal of their success by hallowing, some of the party were despatched to their as-

sistance to bring to the camp the game they had killed: and they seldom returned without more than a sufficient quantity of venison, wild turkeys and other game, for the support of the whole company. When thus supplied with meat, they roasted and boiled a portion of it for supper, parched some Indian corn to serve instead of bread, and sat down to their meal with good appetite, whetted by the keen air; their tables, dishes and plates being the bark of trees. Supper being over they made a large gourdful of punch, and, when disposed to rest, lay on beds of moss near the fire, the company keeping a constant watch by turns, every four hours. After a journey of fifteen days, they reached the foot of the mountains, without having met any human being on their way, since they had left the settlements of the white people. On their approach, they were discovered by a party of the Iroquois Indians, a powerful nation, continually at war, and wandering between the gulf of Mexico and the river St. Lawrence. As soon as they perceived the doctor's party they disappeared, and gave notice to their chief, who despatched one of his captains, painted as red as vermillion, with a strong guard, armed with bows and arrows. When the party came in sight of the doctor's camp, which was in the middle of a large savannah, they halted, and the leader, attended by one Indian, advanced, holding a green bough in his hand. He gave the doctor to understand that he was sent by his chief, who desired to know whether the white people came for peace or war, or what other business had brought them hither. The doctor informed him,

through one of his interpreters, that his views were friendly, that he had no other object than to cultivate a good understanding and view the country. On receiving this answer he sat down and despatched the Indian, who had approached with him, to convey the doctor's answer to the chief. The doctor regaled his guest with punch, and made him a present of a few toys, with which he appeared much pleased. On the return of the Indian, his messenger, he went to meet him at a small distance, and receiving his message, returned to inform the doctor, that it was the wish of the chief that his party would pay him a visit, assuring them of his friendship. The doctor and his men were at first unwilling to comply, fearing some untoward consequence might attend the acceptance of this invitation: at length, encouraged by the assurances their guest gave them of the sincerity of the chief's friendship, they consented to visit him, determined on defending themselves to the last extremity, in case any violence was offered. They marched, attended by all the Indians that had come out, and towards six o'clock reached the Indian town, and were conducted to the state house, where the chief and his war captains were met to receive them. On their entering they all rose, and the chief placed the doctor near him: he enquired into the motives of the journey of his party, and after the health of his brother, meaning the governor of the whites. On receiving the doctor's answer, he welcomed him and his companions, shaking every one of them by the hand, assuring them of his great regard, and of the friendship he entertained for their nation.

Some punch was made for the chief and his captains, and a few knives and glass beads were presented him, which proved so highly acceptable that he gave orders to all his people to treat his guests in the most friendly manner, and supply them with whatever they had occasion for, while they chose to tarry among them: they were conducted to one of the chief's houses, which had been prepared for their reception, where they lay upon benches, covered with bear-skins. The Indians took particular care of their horses, and supplied the doctor and his men, with venison, wild fowls, fish, various kinds of dried fruit, pulse and water, no stronger liquor being to be met among these people.

The chief's houses were in the center of the town; the rest of the buildings being erected in a confused order, without any regular streets, shops, or any handicraft trade being found among men.

The news of the arrival of the doctor, brought a number of men and women around him, and, also, boys and girls, who were stark naked. These would come to the white people, touch their clothes and gaze on them, with admiration and wonder.

The chief endeavored to amuse his guests, by making men and women dance before them, and the lads shoot with bows and arrows, and perform their warlike exercises. The doctor finding himself in favor with his host, requested a sight of his *quiogeson*, or chamel house, and was indulged; he observed it was the largest he had ever beheld.

Having spent two days in town, the doctor begged the chief to permit him to depart, which was reluctantly granted; he presented him with a bottle of rum, and was forced to accept, in return, some venison, Indian corn and dried fruit. The Indians accompanied their visitors about half a mile out, and took leave, wishing them health, and entreating them to call again, on their return. The party proceeded westwardly, and at eve, reached the top of a high mountain, where they halted. They found it difficult to provide, for their horses, the moss, which had, hitherto, nourished them, not being to be found on the mountains. They made a large fire, and gathering the withered leaves together for their beds, went to sleep. The next morning, they started very early, and setting forward, they reached, at eve, the western side of the first ridge of mountains, and got into an even beautiful valley, adorned with woods and savannahs, of a very rich soil. Here they encamped that night, after having made the longest day's journey, since their first setting out; for the country they had traversed was barren, and destitute of running water, having met none but what was found by chance, in the hollow parts of the rocks, which was so bad that the horses would not drink it. The next morning, they set forward, with great cheerfulness, having plenty of water and all kinds of provisions. They met with an Indian in the woods, who, as soon as he espied the party, fled, and, notwithstanding they endeavored, by calling him, and making signs, to induce him to stop, he soon disappeared. After

two days' journey, they reached another ridge of rocky mountains, with large trees in several places, and little or no pasture, like the former; much higher, and having a beautiful prospect of large woods and forests, as far as the sight could extend: hence, they returned eastwardly and, in thirty-two days, reached the settlements of the white people.

Early in the month of April, the chief warriors of the Cherokee towns met Sir Alexander Cumming, at the place appointed, and acknowledged king George, for their sovereign lord, and, on their knees, promised fidelity and obedience to him. Sir Alexander, by their unanimous consent, appointed Moytoy, commander in chief of the Cherokee nation, and the warriors of the different tribes, acknowledged him for their king, and promised to be accountable to him, for their conduct. Sir Alexander made several useful presents to the Indians, and the congress broke up to the satisfaction of all. The crown, or diadem of the nation, which consisted of five eagle-tails and four scalps of their enemies, was brought from Tennessee, their chief town, and Moytoy presented it to Sir Alexander, desiring him, on his return, to lay it at the feet of his sovereign; but at his request, the Indian king deputed six of his warriors to carry it to England, and there do homage with it to the king. They accompanied Sir Alexander to Charleston and embarked on board the Fox ship of war.

Governor Burrington met the legislature, according to his proclamation, at Edenton, on the 13th of April. In his speech, at the opening of the session, he informed the house, he had the king's commands to recom-

mend it to them, to settle an adequate and permanent revenue on the king and his heirs, for defraying the necessary charges of government in the province; to allow a salary to his governor, suitable to the dignity of his office; to make provision for defraying the expenses of the members of the king's council and the house of assembly, and the emoluments and fees of the officers employed in the administration of justice. The lower house did not recognize, in this catalogue of requisitions, any of the advantages, which the people had been taught would attend the change of ownership: they were not prepared to receive it with complacency, and but little attention was paid thereto.

Justice now began to be administered in the king's name, and Cullen Pollock, George Martin and Isaac Hill, were appointed assistant justices of the supreme court. Chief justice Smith did not recognize his American brethren, as persons whose opinions were to have much influence in forming the judgment of the court. He contended that, as his commission gave him "full power to hold the supreme court of the province," he needed no assistant in the exercise of that power. He was willing to allow them to sit on the bench, provided they would confine themselves to yielding their advice, as the master of the rolls and sometimes the chief justice of England *assist* the lord chancellor. Perhaps, his displeasure arose from their being persons appointed by governor Burrington between whom and himself, a considerable misunderstanding subsisted. The chief justice charged the governor with attempts to screen from punishment, several officers, who had been guilty of great abuse

and oppression, under the late administration, and he even insinuated that the governor had shared the profits of their ill practices.

On the 30th of June, the Fox ship of war, on board of which Sir Alexander Cumming and the six Cherokee chiefs had embarked, arrived at Dover. They proceeded to London, were introduced to the king, and laid the regalia of their nation at the foot of the throne. Considerable presents were made to them, of cloth, guns, shot, vermillion, flints, hatchets, knives, &c. They entered into a treaty, by which they submitted themselves and their people, to the sovereignty of the king and his successors: they engaged not to suffer their people to trade with any other nation than the English, nor to permit white men of any other nation to build forts or cabins, or plant corn among them; and, in case any such attempt was made, to give information of it, to the king's governor, and do whatever he would direct, for the maintenance and defence of the king's right to the country. They engaged to apprehend runaway negroes and deliver them to their owners or the governor; a gun and watch-coat were agreed to be given them, for every negro they apprehended and brought back. Provision was made for the punishment of any Englishman killing an Indian, and the surrender of any Indian killing an Englishman, was stipulated. They were sent back, in the ship which had brought them, and met their countrymen, with the highest idea of the power and greatness of the English nation, and not a little pleased with the kind and generous treatment they received.

The animosity which subsisted between chief justice Smith and governor Burrington, continuing to increase, the former, fearing likely at the meeting of the council in the spring of the following year, that the latter would exercise the power he had, of suspending him from his seat at that board, sailed for England, with private instructions from the council, and laid their complaints against the governor, at the foot of the throne.

At the third session of the parliament, which was convened on the accession of George II. to the crown, a statute, of importance to the Carolinas, was passed. Rice having become the principal staple commodity of the southern province, and of that part of the northern which borders on the river Cape Fear, the regulation which required that species of produce to be landed in Great Britain, before it could be shipped to any other part of Europe, had been found extremely burdensome. This commodity, being bulky, could not well bear a double freight, and the circuitous route to which it was confined, before it could reach the countries, in which there was the greatest demand for it, often prevented its arrival at market, in as seasonable time, and in as good condition, as that from other places, less distant, and from which, it was more immediately shipped. To remedy this evil, permission was granted to the king's subjects, of transporting rice from the Carolinas, to the ports of Europe, to the southward of cape Finisterre, in vessels built in Great Britain, or owned by the king's subjects, residing there, navigated according to law, and clearing out, in any port of Great Britain, for the Carolinas. Persons availing themselves of this facility, were compelled to give

bonds that no tobacco, sugar, cotton, wool, indigo, dye woods, molasses, tar, turpentine, hemp, masts, yards, bowsprits, copper ore, skins or fur, would be exported with the rice.

During the summer, governor Burrington visited the settlements of cape Fear, which began to extend to some distance along the stream and its branches; he returned to meet the legislature, in the town of Edenton, where he arrived on the 3d of November. He repeated his requisitions, and found the lower house totally unwilling to grant them. He, shortly after their meeting, prorogued them, observing he refrained from laying any business before them, on account of the indisposition, which they manifested, to comply with the king's wishes; that he judged it improper to proceed upon business with them, until he received the king's commands, having laid before him the undutiful behaviour of the lower house last year, and concluded by assuring them that, in the mean while, he would take good care that the business of the province should be faithfully conducted, and good order preserved.

The Irish, obtained this year, a statute of the British parliament, allowing the exportation of non-enumerated commodities, from the king's American colonies to Ireland.

Rope-walks, having been established in some of the northern provinces, and most of their shipping being supplied with cordage of their manufacture, measures were taken in parliament, to depress these rising establishments, and it was enacted, that no drawback should be allowed on foreign unwrought hemp, exported to the American colonies.

In the latter part of the month of November, the precinct of Carteret, was divided by an act of the governor in council, and the western part of it was erected into a new precinct, called Onslow, in honor of Arthur Onslow, speaker of the British house of commons.

With a view to the farther security of the province of South Carolina, and the relief of indigent people in Great Britain and Ireland, the settlement of a new province, between the rivers Savannah and Alatomaha, was projected in England. Public spirit and private compassion conspired in the promotion of this excellent design; several persons of humanity and opulence united and formed a plan for raising money for transporting poor families, to this part of America, and on the 9th of June, obtained a charter of incorporation: the new province was called Georgia, in honor of the king, who greatly favored the undertaking. The corporation, which consisted of twenty-one persons, was styled the trustees for settling and establishing the colony of Georgia.

In the month of November, one hundred and fifty settlers, led by James Oglethorpe, one of the trustees, embarked, at Gravesend, for Georgia.

The facility with which furs were procured in most of the American provinces, the trifling stock, the cheap apparatus, which are required in the manufacture of hats, had induced some of the colonists to employ their time and industry in this branch of business. Its success had been considerable, and the exportation of American made hats, to the West India islands, Portugal and Spain, became so extensive as to give great uneasiness to, and consequently excite the clamours of the company of hatters in London. In order to check the

enterprising spirit of the Americans, in this respect, parliament forbade the exportation of hats from the continental provinces, to the West India islands and from one province to the other, and made other severe regulations: no person was allowed to work at, or carry on, this kind of manufacture, without having served an apprenticeship of seven years; no master was allowed more than two apprentices at the same time, or to employ any negro. The statute had the intended effect, it considerably prevented the establishment or employment of hat manufactures for distant sale, and confined the industry of the colonists, in this respect, to very narrow limits. To guard against the partiality of a jury of the vicinage, the heavy penalties, by which these regulations were enforced, were made recoverable in any of the provinces, or in any part of Great Britain, in which the defendant might be convicted, or the goods brought and seized.

For assisting British creditors, in the recovery of the debts due them in America, a statute was passed this year, authorizing the admission of *ex parte* testimony, taken before the mayor, or chief magistrate of any city, borough, or town corporate, in Great Britain, and lands and houses were made liable to seizure and sale, as goods and chattels.

Frederick V. of Denmark, purchased the island of St Croix, from Spain, in 1733.

In the month of April, a new precinct was established, by a resolution of the governor and council, and called Edgcombe, and in the month of October, the precinct of New Hanover was divided, and the western part of it erected into a new one, by the name of Bladen, in compliment to Martin Bladen, one of the lords commissioners of trade and plantations.

In the spring, chief justice Smith returned from England, and soon after, the governor took his departure, under the pretence of a visit to South Carolina, from whence he sailed for London, in the month of April. The administration of government devolved on Nathaniel Rice, the secretary of the province, who was the councillor, first named in the king's instructions, as president and commander in chief; he qualified at Edenton, on the 17th of April.

During the absence of the chief justice, John Palin, presided, for some time, in the supreme court of the province, and was succeeded by William Little, with whom, John Worley, William Owen, Mackara Scarborough and William Badham, sat as associate justices.

Great Britain took no part in the war, that began in 1733, between France and Austria. The minister, depending on the pacific temper of Cardinal de Fleury, whom war too much perplexed by the difficulties of the time, to reap too great an advantage, from the first success of the French arms.

Chalmers—Brickle—History of S. C.—Records.

CHAPTER II.

PRESIDENT Rice's administration was of very short duration, for, during the summer, Gabriel Johnston was appointed governor of the province.

This gentleman was a native of Scotland, and had received his education in the university of St. Andrews : he had spent a few years in the acquisition of medical knowledge, and soon after his reaching manhood, was appointed professor of the oriental languages, in the seminary in which he had been reared. This office being a mere sinecure, he removed to London, where he was employed in writing some numbers of "The Craftsman," a periodical paper, supported by the ablest political writers of the day, (lord Bollingbroke and Mr. Pultney being of the number,) in which the measures of the administration were attacked with equal animosity and argument. On the succeeding change in the ministry, governor Johnston had obtained his appointment principally through the recommendation of Spence Compton, baron of Wilmington.

He arrived in the river of Cape Fear late in October ; on the second day of November he took the oaths of office, at the court house of the precinct of New Hanover, in the town of Brunswick, and shortly after met the legislature at Edenton. He communicated to them, in his speech, at the opening of the session, the king's de-

sire, that provision should be made for an adequate and permanent revenue for the support of the government of the province, and for a fixed salary for the chief magistrate, for the time being.

The bills of credit which had been emitted in 1729, under the authority of the lords proprietors, were stamped and exchanged, and their future circulation limited to a period of ten years; a duty on liquors was laid, for the support of government; and the poll tax, on the poorer inhabitants of the province, was lessened; the qualifications of the electors and of the members of the lower house were defined; new regulations were made for the improvement and extension of roads; the precincts of Onslow and Bladen, which had been established by an order of the late governor in council, were confirmed, and a grant of fourteen thousand pounds was made to the king, for the service of the province, and for the more immediate payment of part of it, an emission of bills of credit, to the amount of ten thousand pounds, was directed; provision was made for defraying the expenses of the council and assembly, but none for the support of the chief magistrate.

In the course of the following year, a court of exchequer was established: it held its first session at Newton, a small village lately built on Cape Fear river, on the 13th of May: chief justice Smith was appointed chief baron, and James Innes and William Forbes, barons.

It does not appear, that there was any meeting of the legislature, in the course of the year 1735.

The war, which had lately commenced, and was now carried on with great fury, by the united powers of France, Spain and Sardinia, against the emperor,

threatened the tranquility of the other European powers ; and although the king of Great Britain was in no ways engaged in it, his subjects could not be regardless of the passing events, or unconcerned for the future consequences of a war, undertaken and supported by so powerful an alliance. The situation of the southern British provinces in America, excited a lively degree of alarm ; to the south and south-west was situated the strong castle of St. Augustine, garrisoned by four hundred soldiers, who had several nations of Indians in their subjection, besides several other settlements or garrisons, some of which were not eighty miles distant from the province of Georgia. To the south-west and west, the French had erected a considerable town, near fort Conde, on the river Mobile, and other forts and garrisons, some not above three hundred miles distant from the settlements in the province of South Carolina, and at New Orleans. Since the conclusion of the war under queen Anne, they had increased their trade and traffic, and had now many forts and garrisons on both sides of the Mississippi, for several miles up that river ; and since the king of France had taken the government of the country from the Mississippi company, the French from Canada came daily down in shoals to settle along the river, where regular forces had lately been sent to strengthen the garrisons ; they had five hundred men in pay, constantly employed as wood rangers, to keep their neighboring Indians in subjection, and to prevent those at a distance from coming on and destroying their settlements ; they had been so successful in their intrigues, that they had completely under their control and influence the numerous nations of Indians that dwelt near the Mississippi ; one of them, the Choctaws, who were al-

ways deemed a very warlike people, and who were able to bring into the the field five thousand warriors, was at the distance of four hundred miles only from the back settlements in the province of South Carolina; among them, as among several other nations of Indians, many French Europeans had been sent to settle, and were encouraged by their priests and missionaries to take Indian wives, and other alluring means were used, the better to attach the Indians to the French alliance. Thus the French had become thoroughly acquainted with the Indian mode of living, warring and dwelling in the woods; and a great number of them were among the Indians, able to perform a long march with an army of those people, upon any expedition.

There was room to apprehend, that, in case the measures of France should provoke Great Britain to a state of hostility in Europe, the French and Indians on the Mississippi settlements, would invade the Carolinas and Georgia.

They had already paved the way for a design of this nature, by erecting a fort, called the Alabama Fort, or Fort Toulouse, in the middle of the upper Creek Indians, upon a navigable river leading to Mobile, which they kept well garrisoned and mounted with fourteen pieces of cannon; they had lately attempted to build one nearer the British settlements. The upper Creeks were a bold and active nation, and had about twenty-five hundred warriors; they were about one hundred and fifty miles distant from the Cherokees, and although the British had heretofore traded with, and looked upon them as in their alliance, yet the French, on account of the fort, and a superior ability to make them liberal presents, had been for some time too successfully striving to draw

them to their interest, and had effected their purpose with some of the towns: they were the only nation which the southern provinces could consider as a barrier against the attempts of the French, or their confederate Indians.

Hitherto the French at Mobile, unable to gain the Indians to their interest, without buying their deer skins, the only commodity which the Indians had to procure necessities with, and having no means of disposing of them in France, had found means to encourage vessels from the British provinces, particularly from New York, to truck the skins with them for Indian trading goods, especially the British woollen manufactures, which they disposed of to the Creeks, Choctaws, and other Indians, by this means alienating them more easily from the British interest.

Besides the many dangers to which the southern provinces were exposed, from so many enemies in rear of their settlements, their sea coast was in the most defenceless condition, their ports and harbors, lying open to the invasion of any enemy by sea, there not being in any of them a fortification, capable of making much resistance.

Governor Oglethorpe, having brought a number of heavy guns with him, began to fortify the province of Georgia, at the place which is now known as the town of Augusta, he erected a fort on the bank of the river Savannah, excellently situated for protecting the Indian trade, and holding treaties with several of the nations of the Indians; on an island, near the river Alatamaha, another fort with four bastions was erected, and several pieces of cannon mounted in it; the place was called Frederica; ten miles nearer the sea, a battery was raised,

commanding the entrance of the sound, through which all armed vessels must come, that might be sent against Frederica. To keep garrisons in these forts, and reimburse the expenses of their erection, parliament made a grant of ten thousand pounds.

While governor Oglethorpe was thus employed in fortifying the province under his command, he received a message from the Spanish governor at St. Augustine, acquainting him that a commission from the king of Spain had arrived there from Spain, in order to make certain demands of him, and would meet him at Frederica, for that purpose. A few days after, the commissioner came to Georgia by water, and governor Oglethorpe, unwilling to permit him to proceed to Frederica, sent a sloop to convey him to Jekyl sound. Here he unfolded the object of his mission; it was to summon the governor, in the name of the king of Spain, to evacuate the country, to the thirty-third degree of north latitude, which his master claimed, and to which he was determined to maintain his right. The governor endeavored to convince him that the king had been misinformed, but to no purpose: the instructions of the commissioner were peremptory, and the conference broke up without their coming to any agreement.

Governor Johnston met the legislature on the 21st day of September, in the town of Edenton. In addressing the houses, he began by bewailing the deplorable situation of the province, in which no provision existed for keeping up the sense and awe of the Deity on the minds of the people, nor any care was taken to inspire the youth with generous sentiments, worthy principles, or the least tincture of literature—in which the laws were diffused up and down, in different places,

on loose papers, many of them contradictory, others unintelligible, appearing under ridiculous titles, couched in a childish style, and offending the common rules of grammar. He observed, that from the best and plainest of these laws, the vilest malefactors, not only might, but did actually escape, with impunity, on account of the insufficiency of the jails. He besought the members of both houses, to consider themselves as the representatives of such a country, possessing the power and means, and earnestly solicited to remedy these calamities, and then laying their hands on their hearts, think how they could answer it to God and their own consciences, if they neglected the opportunity of relieving the province, or suffered themselves to be diverted from it by the arts of designing men. He complained of the insufficiency of the militia law, and recommended to the consideration of the houses, the propriety of giving encouragement to a direct trade with Great Britain.

He complained of notorious untruths and impudent falsehoods, which, with a design of keeping the country in confusion, had been industriously propagated by a party, remarkable for nothing more than their indefatigable efforts in spreading the basest calumnies, and for their want of shame when detected. He flattered himself, he had no occasion to say much on this subject, because it was pretty well known, that if those men had been permitted, as in former times, to injure the king's revenue, and oppress their fellow subjects, the province would not have been troubled with their complaints. He wished every planter would bring the matter home to himself, make the case his own, and suppose that in the late times, when no legal title could be obtained,

he had sat down with his family on a vacant tract of land, and with great expense and labor, built upon and cultivated it for several years, and after all a person (unacquainted, perhaps, with the bounds of the tract, but by the survey the occupant had paid for) and with an insolent air, by virtue of a patent, which, likely, a few hours before was a blank sheet of paper, rob him of his land, and of the fruit of his labor of so many years. After asking whether there would not be just and real cause of complaint, against a government which would connive at proceedings like these; he observed, that the case he had put, was not an hypothesis, but had actually happened several times, and no one could tell how often it would have happened, if a seasonable stop had not been put to it. He said that, for his own part, he thought he might say, without vanity or ostentation, that he had been at great expense, and even risked his health, to do justice to the people, by going on the spot to hear their different pretensions, and, on all occasions, relieving the poor industrious planter, from the oppression of his more powerful and crafty neighbor; and as he heartily despised the poor, trifling efforts of those men, to his prejudice, as well as the scandalous method they took to make them effectual, if any artifice should prevail with the houses, to lose this favorable opportunity of settling the country, he would still have the satisfaction of reflecting, that he had performed his duty. He concluded by observing, that as he had been obliged by his instructions, vigorously to maintain the rights and just revenue of the crown, he should be glad, on all occasions, to show a tender regard for the privileges, happiness and liberties of the people, not being apprehensive, that they were in the least inconsistent with one

another. The address of the upper house echoed the sentiments in the speech; the members did not, however, all approve of it; two out of six, Cullen Pollock and Edward Moseley, prayed leave to enter their protest against the address, but the house did not allow it. The address of the lower house has not reached us, it is believed to have been of a different complexion; both houses continued in session during three weeks, without any bill of importance being introduced. On the 12th of October, the governor came to the upper house, and sent a message to command the attendance of the lower; they declined coming up, and the message was reiterated, without success. The governor then prorogued the legislative body, without having had any bill presented for his assent.

A considerable contraband trade was carried on by the British American colonies, with the Spanish dominions; remonstrance having been often made, without success, the court of Madrid increased their *guardas costas*, and the most rigorous orders were given to the officers commanding them. In consequence of these, British vessels were often stopped, carried into Spanish ports, sometimes detained for examination, and at others condemned. A committee of the merchants of London, trading to America, presented a petition to the king, beseeching his interference in this respect.

With a view to give encouragement to British manufactures, parliament passed a statute requiring every vessel, built in America, to be supplied, on her first sailing out, with a complete suit of sails, made of British sail cloth

This year, commissioners appointed by the legislatures of North and South Carolina, began to run the dividing line between the two provinces. The king had fixed its beginning at the north-east end of Long bay, and directed it to run thence, north-westwardly, to the thirty-fifth degree of north latitude, and thence, westwardly, to the south sea. It was run to the distance of sixty-four miles, and it was agreed that the eastern and northwestern frontiers of the lands of the Catawbias and Cherokees, should, till the line was further extended, be considered as the dividing line of the provinces.

The extension of the population of the province, towards its southern boundary, and the width of Albemarle sound, rendering the attendance of the members of the legislature at Edenton, inconvenient, the general assembly was convened at Newbern, on the sixth of March.

A poll tax of five shillings per head on all the titheable inhabitants of the province was granted to the king, and regulations were adopted to prevent frauds in the assessment and collection of taxes. Two thousand pounds sterling were appropriated for the building of a jail and also, an office, for the safe keeping of the records of the general court, in the town of Edenton, and for the repairing the court-house; circuit courts were appointed to be holden in the town of Newbern and village of Newton, on the river of Cape Fear. An act was passed for providing a rent roll and securing the king's rents, for the remission of the arrears of quit rents, for quieting the inhabitants in their possessions, and for promoting the better settlement of the province: it was, however, repealed by the king's order in council.

The population of the province having much increased, and being spread through a vast territory, often in distinct settlements, scattered at a great distance from each other, and sometimes separated by a trackless wild, the inconvenience of having the fiscal affairs, and the ministerial duties in the judicial department, under the direction of a single individual, began to be severely felt. His deputies not only often neglected, but at times absolutely refused, to perform their duties; their conduct in many other respects, occasioned great murmurs, discontents and a delay of justice, greatly injurious to the tranquility and prosperity of the province. This evil was remedied by the abolition of the office of provost marshal of the province, which Robert Holton, a member of the king's council, had held since the arrival of governor Burrington: the loss which this gentleman was to sustain, by the abolition of his office, was compensated by a sum of two thousand pounds sterling. The primary division of the province, into the three counties, Albemarle, Bath and Clarendon, was abolished, and the precincts were denominated counties; a sheriff was directed to be appointed in each, chosen by the governor out of three persons, recommended by the county court, out of their own body; the office was made biennial. Provision was made for facilitating the navigation of the principal rivers, for placing buoys and beacons in the main channels, and procuring skilful pilots; regulations were adopted for the preservation of game, and the destruction of vermin; a town was established on the west side of Matchapungo river, in the county of Hyde and called Woodstock.

As the sovereigns of Great Britain and Spain, were both anxious for peace, their differences were soon ad-

justed, and a preliminary treaty was signed in London, on the 9th of September, Spain agreeing to pay ninety-five thousand pounds sterling, as a compensation for the depredations, committed by her subjects on the commerce of Great Britain in America. Whether the Spanish minister had deviated from his instructions, or whether, as is more likely, the cabinet of Madrid, seeing the facility with which that of London had yielded to an accommodation, repented of its too easy concession, and sought to obtain better terms, Philip, in ratifying the treaty, insisted, as an indispensable condition of his signature, that the sum of sixty-eight thousand pounds sterling, which were due him by the British company of the Assiento, should be accepted in part of that, stipulated by the treaty.

The court of London complained of this condition, as an infidelity ; and after the reproaches usual on such a circumstance, a new negotiation was begun on the 10th of January : it concluded by a vague agreement, that in case the company of the Assiento should not satisfy the Catholic king, he would be at liberty to suspend their privilege, and four days after, a treaty was signed at the Pardo, by which it was agreed, that until measures could be taken to conciliate the interest of the two nations, and ascertain the true boundary between the provinces of South Carolina and Georgia, and that of Florida, all acts of hostility should cease in America, and that neither the Spanish nor the English would erect any fortification on, or occupy any new part of the disputed ground : the king of Spain promised to pay eighty-five thousand pounds within four months, and the king of Great Britain to satisfy the claims of his subjects on Spain, for spoliation. These terms excited a general

indignation in England; the merchants exclaimed against the smallness of the sum, and the nation, trusting on her strength, hoped to be able to reduce Spain to allow a continuance of what she called an illicit trade. Parliament, biassed by the general wish, seemed disposed to contest the prerogative of the crown, in making peace or war.

The ministry, intimidated, discovered no other means of calming the public mind, than a seeming dereliction of the treaty of the Pardo: they suffered to remain in the Mediterranean, the fleet which had been agreed to be withdrawn, and instead of giving orders for the suspension of hostilities in America, dispositions were made for sending new forces thither. As every thing announced an approaching war, Philip was in no hurry in making the stipulated payment, and George, pleased with a pretence to gratify his subjects, complained of an infraction which was so welcome to him, and pretending great anger, granted letters of marque against Spain.

No business of importance came before the general assembly, which was convened at Newbern, early in the year. Newton, a small village, conveniently situated near the confluence of the two branches of Cape Fear river, where several merchants and tradesmen had settled, invited by the depth of the water, which allowed the approach of vessels of considerable burden, was now established as a town, and the name of it altered to that of Wilmington, in compliment to the earl of Wilmington, the nobleman to whose protection, it has been observed, governor Johnston was chiefly indebted for his office. The privilege of sending a member to the lower house of the legislature was extended to the new town: the collector and naval officers of Port Bruns-

wick, the clerk of the court, and the register of the county of New Hanover, were directed to remove their offices thither.

A formal declaration of war against Spain, was signed by the king on the 19th of October, and four days after was proclaimed with great solemnity throughout the city of London. Admiral Vernon was sent to take the command of a squadron on the West India station, with orders to act offensively against the Spanish dominions in that quarter, and governor Oglethorpe was directed to annoy the subjects of Spain in Florida, by every means in his power : he immediately determined on an expedition against St. Augustine, and communicated his design to lieutenant governor Bull of South Carolina, and governor Johnston. The former laid the plan before the legislature of his province, which was then in session : they voted one hundred and twenty thousand pounds, for the service of the war, and a regiment of four hundred men was raised, partly by governor Bull in that province, recruits being made in North Carolina under the auspices of governor Johnston, and in the province of Virginia under those of governor Gooch ; colonel Vanderdussen was appointed to the command of this regiment. Indians were sent for from the different tribes in alliance with the British, and Vincent Price, who commanded the ships of war on this station, furnished four twenty gun ships and two sloops. Governor Oglethorpe, having appointed the mouth of St. John's river for the place of general rendezvous, returned to Georgia, and, placing himself at the head of his own regiment, on the 9th of May passed over to Florida ; on the following day he infested fort Diego, at the distance of twenty-five miles from St. Augustine ;

after a short resistance, the commanding officer capitulated, and lieutenant Dunbar, being left in the fort with a small garrison, the governor proceeded to the place of rendezvous, where he was joined by colonel Vanderdussen's regiment, and a company of Highlanders under captain M'Intosh: but, before this time, six Spanish half galleys with long brass nine pounders, and two sloops laden with provisions, had arrived at St. Augustine, and the army, now consisting of a little more than two thousand men, regulars, provincials and Indians, moved to fort Moosa, within two miles of St. Augustine. On its approach, the garrison abandoned the fort and retreated into the town; the governor burnt the gates of the fort, made three breaches in its walls, and advanced towards the town and castle; he soon discovered that an attack by land upon the town was impracticable, and that an attempt to storm the castle would be precarious and dangerous; the enemy was too well prepared to receive him; during his stay at Fort Diego, they had drove all the cattle from the woods around the place, into the town; the garrison consisted of seven hundred regulars, two troops of horse, besides the militia of the province, two companies of armed negroes and some Indians. The castle, built of soft stone, had four bastions, a curtain sixty yards long, and a parapet nine feet thick; the rampart, which was twenty feet high, was casemated underneath for lodgings, arched over, and newly made bomb proof; fifty pieces of cannon, a number of them twenty-four pounders, were mounted; the town was, besides, entrenched with ten salient angles, on each of which some small cannon were placed.

In these circumstances, it was resolved, with the assistance of the ships, to turn the siege into a blockade,

and shut up every channel by which provisions could reach the garrison. Accordingly, colonel Palmer, with ninety-five Highlanders and forty-two Indians, was left at fort Moosa, and directed to scour the woods and intercept all supplies from the country by land; colonel Vanderdussen, with the Carolina regiment, was sent to take possession of point Quarsel, about a mile distant from the town, and erect a battery; while the governor, with his party and the greatest part of the Indians, landed on the island of Anastasia; hence he resolved on storming the town; captain Green, with one of the ships, guarded the passage by the way of the Matanzas, and with the rest the mouth of the harbor, so as to cut off all supplies by sea; batteries were erected on the island, and cannon mounted. These dispositions being made, the governor thought himself in a situation to summon the place to surrender, but the Spanish commander returned for answer, he would gladly shake hands with him in the castle. On this, the governor opened his batteries against the castle, throwing at the same time a number of shells into the town: his fire was spiritedly returned from the castle and half galleys, but the distance was so great, that though the cannonade was continued on both sides for several days, very little execution was done. It was thought of destroying the half galleys by a nightly attack, but on sounding the bar, it appeared impracticable to employ the large ships, and the galleys being covered by the cannon of the castle, to send small vessels on this service appeared too rash. A detachment of three hundred Spaniards sallied out and surprised colonel Palmer's party at fort Moosa, and cut them almost entirely to pieces: some of the Chickasaw Indians, in escaping, met with a Spaniard,

and according to their mode of warfare, cut off his head, brought it to the camp and presented it to governor Oglethorpe : he called them barbarous dogs, and angrily bid them be gone. This treatment, more humane than politic, exasperated the Indians, who loudly complained of it, observing, that if one of them had carried the head of an Englishman to the Spanish commander, he would have been differently received. The vessels stationed at Matanzas being ordered off, some small vessels from Havana, with troops and provisions, passed through that small channel to the relief of the garrison : some Spanish prisoners, taken soon after, reported, that this reinforcement consisted of seven hundred men, and the supply of provisions was ample.

The governor now despaired of forcing the place to surrender : his men were dispirited by sickness, enfeebled by heat and fatigued ; his Indians grew troublesome, the navy was short of provisions, and the season of hurricanes was approaching. Any farther attempt appearing hopeless, the siege was raised, and the governor reached Frederica on the 10th of July.

At the meeting of the legislature, on the 21st of August, in the town of Edenton, governor Johnston communicated to the two houses the instructions which he had lately received, to enlist men in the king's service, and to apply to the legislature for aid, it being expected that the troops, thus raised, would be at the expense of the province, transported to the West Indies, to join other troops sent thither, on an intended expedition against the Spaniards, and pressed them to manifest their loyalty and duty to their sovereign, by a cheerful compliance with his desire : he added, that in compli-

ance with his instructions, he had already enlisted four hundred men.

The lower house readily consented to the measure, and early entered on the consideration of the means by which a fund could be raised for this service. The poverty of the people and the great scarcity of a circulating medium rendered it impossible to collect a sum of money, sufficient for this purpose : a levy in the commodities of the country appeared to be the only effectual expedient : accordingly, a poll tax of three shillings proclamation money was laid, to be paid in tobacco, rice, Indian dressed skins, beeswax, tallow, pork and beef : the inhabitants of that part of the province, heretofore called Albemarle county, were allowed to discharge it at their option, in bills of credit, at the rate of seven pounds ten shillings for one pound in proclamation money.

As the extreme scarcity of money rendered it difficult to pay taxes, and as the bills of credit in circulation were to cease to be current within four years, the facility of paying in the same commodities was extended to the discharge of taxes, fines and forfeitures. Warehouses, for receiving the commodities were directed to be built in each county.

With a view to give greater encouragement to settlers in the American provinces, an act of parliament was this year passed, extending all the privileges of natural subjects, in the colonies, to such aliens, who, after a residence of seven years, should take the oaths of abjuration and fidelity and receive the sacrament, in some protestant or reformed congregation. The statute excuses Quakers and Jews from the last formality.

The statute, allowing bounties on the importation into Great Britain of naval stores, masts, &c. from the American provinces, which was about to expire, was continued for the further period of ten years.

In April, 1740, the merchants of Great Britain, trading to America, complained to the house of commons, of the inconvenience and discouragement brought on the British commerce, in America, by the excessive quantities of paper money then issued, and the depreciated condition thereof, for want of proper funds to support its credit. The house, by way of palliation, addressed the throne, to put a temporary stop to the evil, by instructing the governors not to give their assent to any further laws of that nature, without an express proviso, that it should not take effect, until the king's approbation was first obtained.

Early in the following year, the four hundred men enlisted in the province were transported to Jamaica : they were embarked there on board of the fleet, under the orders of admiral Vernon. This expedition had not the success which was expected, and which the superiority of the forces, employed, seemed to promise. In the month of March, the British troops possessed themselves of near all the forts and batteries which defended the harbor of Carthagena, and on the 9th of April, a grand attack was made on fort St. Lazarus : it however proved unsuccessful. This misfortune, being followed by a great mortality among the officers and soldiers, the siege was raised and the troops re-embarked on the 16th. However, all the castles and forts which guarded the harbor were demolished ; six ships of war, as many galleons, and all the other ships in the harbor, were burnt

or destroyed, and many hundred guns carried away or rendered useless.

The legislature met at Edenton early in the spring ; its attention was taken up by objects of internal policy. The county of Edgecombe, which had been erected by an order of governor Burrington in council, was confirmed by law ; a town was established on Mittam point, on the south side of New river, in the county of Onslow, to which, in compliment to the governor, the name of Johnston was given ; an ecclesiastical division of the province into fourteen parishes took place, and the election of churchwardens and vestry men was regulated ; provision was made for the erection of churches and procuring ministers ; an act was passed, accurately defining the rights and duties of master and servant, for the apprehension of fugitives, and the trial and punishment of slaves, and some restraint was laid on the emancipation of them.

Few sessions of the legislature had ever been productive of so many useful acts ; laws were made concerning marriages ; to prevent usury ; to ascertain the damages on foreign bills ; for the suppression of immorality : the improvement of roads and inland navigation ; to prevent the stealing of cattle, boats and canoes ; the regulation of weights and measures ; the speedy and cheap trial of small causes ; the regulation of taverns and restraint of tippling houses ; and the relief of prisoners.

The settlements on Cape Fear river had become so considerable, that in the latter part of this year, the legislature was convened at Wilmington : the session was but of short duration : the county of Bertie was divided, and the upper part of it established as a

new county, to which the name of North Hampton was given; an act was passed for establishing ports, or places of delivery and shipping of merchandize, imported or exported; and to prevent the clandestine running of goods, which was soon after repealed, experience having shown, that its effect was to drive a considerable part of the trade from the province to Virginia.

Disturbances occasioned, in Massachusetts, by the abuses introduced by a banking company, in that province, induced parliament to pass a statute, prohibiting the establishment of banks, in the British colonies, on the continent.

Although the territory granted, by the second charter of Charles II., to the proprietors of Carolina, extended far to the south west of the river Alatomaha, the Spaniards had never relinquished their claim to the province of Georgia: their ambassador at the British court, had even declared, that his master would as soon part with Madrid. Admiral Vernon had so much occupied their attention, in the West Indies, that they had not been able to bestow much of it on the recovery of that province. But, as soon as the admiral returned home, they began their preparations for dislodging governor Oglethorpe. With this view, don Antonio de Rodondo, embarked at Havana, with two thousand men, under the convoy of a strong squadron: the expedition reached St. Augustine in the month of May.

Governor Oglethorpe, having had early information of their approach, sent to governor Glen, of South Carolina: in the meanwhile, he made every preparation at Frederica, for a vigorous defence; and his Indian allies, who were greatly attached to him, soon crowded to his camp; and a company of Highlanders joined him, at the

first notice. The inhabitants of the southern part of the province of South Carolina, deserted their habitations, and, instead of joining the forces in North Carolina, flocked to Charleston, with their families, slaves, and most valuable effects. It was then determined to fortify the town, and abide in a posture of defence. A want of confidence, in governor Oglethorpe's military talents, produced by his unsuccessful expedition against St. Augustine, recommended this measure. It was not thought, that, on the event of the governor being crushed, the reduction of Georgia would open an easy access to the enemy, into the heart of South Carolina, the force of the two provinces, becoming, by its division, unequal to the defence of either.

In the latter part of June, thirty-two sail, under the orders of don Manuel de Montanio, brought don Antonio de Redondo, and his two thousand men, reinforced with one thousand more from St. Augustine. The fleet anchored off Simore's bar and came in with the tide, into Jekyl sound. Governor Oglethorpe, who was at Simore's Fort fired at them as they passed: they returned his fire, and proceeded up the river Alatamaha, out of the reach of his guns. Among their forces, was a regiment of negroes, the officers of which, decked in lace, bore the same rank as the white officers, and, with equal freedom and familiarity, walked and conversed, with the commander in chief. This circumstance was calculated to alarm the inhabitants of South Carolina, where, there being so many negroes, this regiment would soon have acquired such a force, as might have baffled every opposition. Unable to stop the progress of the enemy, the governor spiked the guns, burst the bombs and cohorns, destroyed his stores, and retreated to Fred-

erica. The enemy was too strong to warrant his acting otherwise, than on the defensive. He sent out strolling parties, to watch the motions of the Spaniards, while he employed his main body on the fortifications. At night, his Indians were employed, ranging through the woods, and harrassing the Spanish outposts. They brought him five prisoners, by whom, he became acquainted with the extent of the force against him. Still expecting assistance from South Carolina, he exerted all his address in gaining time, and keeping up the spirits of his garrison. For this purpose, the Highlanders were despatched to reinforce the Indians, and assist them in obstructing the approach of the enemy. His principal force did not amount to seven hundred men.

The enemy made several attempts to pierce through the woods, but met with such opposition from deep morasses and dark thickets, lined with fierce Indians and wild Highlanders, that they honestly confessed, the devil himself could not pass through them, to Frederica. Don Manuel, however, had no other prospect left: one party was sent after another, to explore the thickets, and occupy every advantageous situation. In two skirmishes, with the Highlanders and Indians, the enemy had one captain and two lieutenants killed, and one hundred men taken prisoners. The Spanish commander now altered his plan, and, keeping his men under cover of his cannon, proceeded, with some galleys, up the river, with the tide, to reconnoitre the fort, and draw the governor's attention elsewhere. A party of Indians was sent to lie in ambuscade and prevent the landing of the Spaniards. Governor Oglethorpe, having learned from an English prisoner, who effected his escape, that differences had arisen to such a height in the Spanish army,

that the forces from Cuba, and those from St. Augustine, encamped in different places, determined on a surprise of one of the camps; and, availing himself of his knowledge of the woods, marched out in the night, with three hundred chosen men, the Highland company and some rangers: he halted at the distance of two miles, and taking with him a small party, drew closer, to observe the position of the enemy. At this moment, while every thing depended on the concealment of his approach, one of his party fired his musket, ran off and alarmed the Spaniards. This treachery disconcerting his plan, the governor brought back his party to Frederica. With a view to prevent any credit to the report of the deserter, by whom he apprehended his weakness would be made known to the Spanish commander, he wrote a letter to this man, desiring him to represent Frederica to the Spaniards, as a weak and defenceless port, and induce them to come and attack it; but, if he could not persuade them to this, to use every possible artifice, to induce them to stay at least three days more where they were, as advices were received, that, within that time, two thousand men would arrive to the relief of Georgia, from South Carolina, with six ships of the line; and, above all, urged him to conceal from the Spaniards, the approach of the British fleet to St. Augustine, promising him the highest reward, if he acted his part well. This letter he gave to one of the Spanish prisoners in his camp, who, for the sake of obtaining his liberty, undertook to give it to the deserter, instead of which, agreeable to the governor's expectation, he placed it in the hands of his commander.

This letter gave rise to various conjectures: the Spanish general had the deserter put in irons, and called

a council of war, to determine on the proper steps to be pursued. Some of the officers were of opinion, the letter was written with a view to its being intercepted, and to prevent the attack on Frederica: others, on the contrary, thought the contents of the letter very probable, and recommended the dropping of a plan, which was attended with so many difficulties, and the issue of which hazarded, not only the loss of the army and the fleet, but that of the whole province of Florida. During this deliberation, three ships of war, which governor Glen had sent out, came in sight. This accident, corresponding with the letter, convinced the Spanish commander that it was no fiction; and the army was struck with such a panic, that they immediately set fire to their works, and embarked in great hurry and confusion, leaving behind several cannon and a quantity of military stores. The wind prevented the British ships from beating up the river, and, before the morning, the invaders passed them and escaped to St. Augustine.

This attack on a neighboring province, notwithstanding its failure, manifested the necessity which there was, for the rest of the provinces to place themselves in a situation to repel invasion. France could not be expected, much longer, to retain her neutrality. The natural alliance, which subsisted between the princes who filled the French and the Spanish thrones, forbade the belief, that Great Britain might long carry on the war against one of them, without his being openly supported by the other. Indeed, Great Britain and France observed each other, and each expected, that the other would soon begin the contest. The northern provinces were prepared to meet the foe. Every fortified place had been repaired and improved: the militia

were training, and no measures were neglected, to place the country in a state of defence. In Europe, great preparations were made every where. The arsenals of both nations were full of workmen, and, although each sovereign held out, as the ostensible object of his movements, the support of one of the personages, who was contending for the imperial diadem, each contemplated the probability of soon using the means, which were providing, in a different undertaking.

In opening the next session of the legislature, on the 2d day of April, in the town of Edenton, governor Johnston endeavored to impress upon the house the necessity of making preparations, against the impending danger. His representations, however, were not of much avail: they intended, only to procure an act for erecting magazines, in the several counties.

The election of members of the legislature, was regulated at this session: the qualifications, required from the electors, were a freehold of fifty acres, and six months' residence in the county. Those of the elected were a freehold of one hundred acres, and twelve months' residence. The suffrages were to be given by ballot.

The statute, allowing a bounty on the importation of naval stores, from the American provinces, being nearly expired, was, this year, continued for the term of seven years.

Three thousand families, at an immense charge to government, were transported into Nova Scotia at once, and three regiments stationed there, to protect them from the Indians.

In the following year, John, lord Carteret, afterwards earl of Granville, presented a petition to the king, praying that the eighth part of the original province of Caro-

lina, reserved to him by the act of parliament, establishing an agreement with the other seven lords proprietors, for the surrender of their interest to the crown, might be set apart, offering to resign his interest in the government and his title to the other seven eighths. The proposition being accepted by the crown, five commissioners were appointed by each party, for making the division. The territory allotted to him was bounded on the north, by the line separating the provinces of Virginia and North Carolina; on the east, by the Atlantic ocean; and on the south, by a line, drawn westward, to a point on the sea shore, in latitude thirty-five degrees and thirty-four minutes, and, agreeably to the charter, on the west, by the Pacific ocean. Shortly after, a grant of the eighth part of Carolina, together with all yearly rents and profits arising from it, to John, lord Carteret, and his heirs, passed the great seal; but the power of making laws, calling and holding assemblies, erecting courts of justice, appointing judges and justices, pardoning criminals, granting titles of honor, making ports and havens, taking customs and duties on goods, executing martial law, exercising the royal rights of a palatine; or any other prerogatives relating to the administration of government, were excepted, out of the grant; the whole was to be holden on the payment of thirty-three shillings, and four pence, yearly, forever, with one fourth of all the gold and silver ore.

With a view to encourage the colonists, to fit out privateers, the provincial courts of vice admiralty were authorized to take cognizance of prize causes, and condemn vessels, by a statute of this year.

CHAPTER III.

IN the summer of 1744, accounts were received that France had formally declared war against Great Britain. This was only the addition of a ceremony, and the French governor, at cape Breton, having received previous information of the intention of his sovereign, took early measures to attack the British fishery at Canseau. The island was taken, and its garrison and inhabitants made prisoners of war, on the 13th of May. This success encouraged an attempt on Annapolis, but a timely reinforcement, from the province of Massachusetts, occasioned its failure.

An avowed state of war drew the attention of the legislature to the unprotected and defenceless condition of the ports. The river of Cape Fear, from its known depth of water, seemed to invite insult and invasion. This induced the legislature, which sat in Newbern, on the 2d of April, 1745, to order the erection of a fortification on the south bank of that river, near its mouth, sufficiently large to contain twenty-four pieces of cannon, with barracks and other conveniencies. This was soon after effected, and the work was called Fort Johnston, in honor of the chief magistrate, with whom the proposition had originated.

The protection thus afforded to this part of the country, and the trade of the river, which consisted chiefly in rice, naval stores and lumber, commodities of great bulk, requiring larger vessels than could conveniently reach the wharves of Wilmington, the village of Brunswick, which lay nearer to the sea, was believed to be a spot, which in time, would become the site of a an important maritime town; with the view to aid its further settlement, it was by law, established as a town. The experience of nearly half a century has not added its sanction, to the idea of its future grandeur.

In the meanwhile, prince Charles Edward, grandson of James II., made an attempt to ascend the throne of his ancestors. He embarked on the 12th of June, on board of an eighteen gun frigate, without having acquainted the court of France, with his views, with no other preparations to conquer three kingdoms, than seven officers, eighteen hundred sabres, twelve hundred firelocks and twelve thousand louis d'or, which he had borrowed, and not one private soldier. He landed in the southwest of Scotland, where the inhabitants rose in his favor, and a piece of laffeta, which he had brought from France, serving for their royal standard, was shortly surrounded by fifteen hundred men. He led them to the town of Perth, of which he took possession: here a few Scotch lords joined him; and the army, a few days after, entered Edinburgh; from thence he proceeded to Pressonpans, where he obtained a signal victory over an army of Englishmen and made as many prisoners as he had soldiers. Carrying all before him, as far as Carlisle.

he advanced within ninety miles of London, his force being swollen to eight thousand: meeting a second British army at Falkirk, he gained a second victory, and a third on the next day: but at last he received a total overthrow at the battle of Culloden, within a few leagues of Inverness, and his whole army was dispersed. His subsequent adventures resembled those of his great grand father, Charles II. after his defeat at Worcester; wandering from place to place, destitute of all succour, skulking in forests, shifting from cavern to cavern, flying to desert islands, distressed for want of food and raiment, and closely pursued by those who thirsted after his blood, for the sake of a pecuniary reward, offered by the person who occupied his father's throne. He at last eluded their pursuits by a flight which added to his glory.

In the spring of this year, a trader of New England proposed to his countrymen, a plan for taking Louisburg, the chief city of the island of cape Breton. The proposal was generally approved, and money was raised by a lottery, for the purpose of raising four thousand men. This force was armed, provisions and transports were obtained by voluntary contributions; the command of it was given to colonel Pepperel, a merchant of Boston. The expedition embarked on the 24th of March, and arrived at Canseau on the 4th of April, where they were joined by a small reinforcement from New Hampshire. On the 23d, commodore Warren arrived with a small squadron; soon after, the troops embarked, and the naval force went to cruise off Louisburg. The landing was effected with some loss,

and in the course of the night, Vaughan, with a body of four hundred men, marched round to the northwest part of the harbor, and set fire to a number of warehouses, containing spiritous liquors and naval stores. The thick smoke, driven by the wind on the principal battery, disabling the defenders of it to distinguish objects, even at a small distance, favored the idea which they entertained, of the magnitude of the assailant force, induced them to abandon the fort, and seek refuge in the town. In the morning Vaughan, with thirteen men only, entering the battery, defended it until a reinforcement came to his support. While these approaches were making by land, the ships cruised off the harbor, and captured a ship of war, having on board a reinforcement of men and stores, for the besieged garrison. Soon after, an unsuccessful attempt was made on the island battery, in which sixty men were killed and one hundred and sixteen made prisoners. Works were erected on a high cliff, at the lighthouse, which much annoyed the island battery: preparation were making for a general assault, when the town surrendered on the forty-ninth day of the siege. On the 16th of June, the whole island was in the possession of the besiegers.

The legislature, in the course of this year, sat at Newbern in June, and at Wilmington in December; both sessions were short. Attempts were made to put the militia in a situation to be of some service; the counties of Craven and Edgecombe were divided, the western part of the former was erected into a new county, to which the governor's name was given, and the northern part of the latter, into ano-

ther, which, in compliment to the nobleman, owner of the soil, was called Granville. Hitherto, the northern counties had claimed and enjoyed the privilege of sending five members to the lower house of assembly, while those of the other parts of the province, all of which were much larger, and many of them of a much greater population, sent but two. This distinction was abolished; every county was declared entitled to the latter number and no more. The right of the towns of Edenton, Bath, Newbern and Wilmington to one representative each, was recognized. The speaker and fourteen members were declared a quorum.

The extension of population, towards the southern and western parts of the province, leaving the town of Edenton at a considerable distance from the center of the settled part of the province, the supreme court of judicature, was removed from thence to the town of Newbern. A new court law was passed: the general court was composed of a chief and three associate justices. Courts of oyer and terminer, assizes and nisi prius were to be holden at Edenton, Newbern, Wilmington and at the court house of the county of Edgecombe. The court of chancery was also directed to be holden at Newbern, and the secretary of the province to remove his office thither.

In the latter part of the year, the leaders of the adherents of the unfortunate prince Charles Edward, having perished on the scaffold, a general pardon passed the great seal, exempting from trial and punishment nineteen individuals out of twenty among the rest, on their being transported to Ame-

rica: they drew lots for this purpose. They were accompanied by a number of others, who, though they had not taken up arms, favored the prince's cause, and voluntarily shared the exile of their countrymen. A considerable number of them came to North Carolina, settled on Cape Fear river and formed the settlement in the middle of which the present town of Fayetteville now stands.

The provincial laws were in the hands of the inhabitants, on loose manuscript sheets, forming a chaos, from which information could only be obtained at the expense of much time and drudgery. To remedy this evil, the legislature, at their next session, appointed four commissioners to revise the code and print such acts, as were in form and use. This measure had been hitherto recommended in vain by governor Johnston, since his arrival, and had been long and earnestly desired by the friends of order. The commissioners, appointed, were chief justice Hall, Edward Moseley, Samuel Swann, the speaker of assembly and Thomas Barker, an eminent attorney. The contingent fund being insufficient to meet the expense of this publication, a duty of three pence was laid on every gallon of wine and distilled liquor, and four pence on every hundred weight of rice, imported from any place out of Great Britain, and so scarce was the circulating medium, that, although bills of credit were receivable in payment of this duty, it was thought necessary for the collection of it, to authorize the receipt of the articles on which it was laid, in payment.

The statute for the encouragement of the manufacture of British sail cloth, and that allowing the direct exportation of rice from the Carolinas and Georgia, to the ports to the southward of cape Finisterre, which were now expiring, were continued for seven years longer.

The importation of tea into the American province, without paying the inland duty, was allowed; and it being judged, that the cultivation of indigo, in the colonies, might be greatly advantageous to the trade of the nation, as great quantities were used in dying the manufactures of the kingdom, the supply of which, being obtained from foreign countries, was at all times uncertain and the price frequently exorbitant, and the plant appearing to thrive in the Carolinas, there was room to hope the raising of it might, by proper encouragement, be increased and improved to such a degree, as not only to answer all the demands of the king's subjects, but considerable quantities might also be exported to foreign markets; a bounty of six pence per pound was granted on all indigo, exported therefrom to Great Britain.

The attention of the legislature, at their next session, on the 6th of April, at Newbern, was directed to some depredations and insults, committed by the privateers of the enemy, in the inlets and such ports of the province, as were of easy access: sometimes cutting out vessels and carrying them away, at others, running up the rivers, landing and plundering the plantations. A law was passed for erecting fortifications at Ocracock, Topsail and Bear inlet and for finishing fort Johnston. To defray the expenses of their construction, a grant of

twenty-one thousand three hundred and fifty pounds was made to the king, and an emission of bills of credit, to the same amount, was directed. The paper currency in circulation, denominated Old Proc. was so depreciated, that it passed at the rate of seven and a half for one; it was directed to be exchanged on these terms, and the exchange between proclamation money and sterling was fixed at four for three. A poll tax of one shilling was laid for the redemption of the bills issued, to continue until they were absorbed. Hitherto, the sheriffs and all collectors of the public money accounted and paid the balances in their hands, to a committee of the legislature: during the bustle of the session, there was seldom time for a minute investigation of the accounts of the officers who attended; never any to send for those who kept away. The consequence of so loose a practice, caused the utmost confusion in the fiscal affairs of the colony; a remedy was now attempted to be applied to the growing evil. The province was divided into two districts, treasurers were appointed, before whom, it was made the duty of holders of public money, semi-annually to appear, exhibit their vouchers and close their accounts.

The casual emoluments of officers were fixed by a new fee-bill.

With a view to give some encouragement to the tanning of leather, which was attempted in several parts of the province, a law was passed, prohibiting the exportation of raw hides and skins.

At the request of the Tuscarora Indians, who had remained behind, when the main body of the nation, early in the century, emigrated towards the northern lakes, the lands allotted them by the treaty of 1719 were laid

out and marked off. All persons were prohibited from purchasing any part of them, and the enjoyment of the rights of the white owners was postponed until the lands were abandoned by the Indians; settlers were removed and all persons inhibited from ranging stock on these lands.

A rent roll was directed to be made of all the lands, holden in the province: such persons, whose conveyances were not already recorded, were required to register them within twelve months, in the office of lord Granville, at Edenton, for the northern part of the province, and in that of the auditor general, in the rest of the province, or in the office of the register of the county in which the land lay; and all conveyances, in regard to which this formality was neglected, were declared void. But all persons who had lost the evidence of their titles, having had possession for twenty-one years, on due proof, were declared to have a good title against the king or earl, paying the highest quit rent in the country: indigo and tobacco were declared a tender, in payment of quit rents.

The fate of the provincial laws, after copies of them were transmitted by the governor to England, depending much on the report of the king's counsel, appointed for the special service of the board of the lords commissioners of trade and plantation, and the opinion of this gentleman being naturally much influenced by the idea and information he received of the reasons, circumstances and views, with which the act had been passed, most of the provinces had found it their interest to have an agent in London, whose duty it was to attend the reporting council, make such explanations and give such in-

formation, as would lead his opinion to a favorable report, and wait on the board after it was delivered.

The success of the affairs of a province often materially depended on the ability and industry of this agent, for the great officers of state would not take the vague information of individuals, but transacted all business with the provinces, by asking and knowing their sentiments, through the means of their agents. Without some person of this character in England, their business there slept: memorials, addresses and petitions passed through his hands: it was his duty to improve every opening for the encouragement of the trade of the province that employed him, and to obviate any scheme that might hurt it. For this purpose, he was to watch the intentions of parliament and transmit early and accurate information of them to his constituents. The province having hitherto suffered from the want of an officer of this kind, the trust was now committed to James Abercrombie of London.

Towards the middle of April, the preliminary articles of a treaty for a general pacification were signed at Aix-la-Chapelle, by the British, French and Dutch plenipotentiaries; in the following month, the empress queen, king of Sardinia, and duke of Modena acceded to them, and soon after, the king of Spain, the republic of Genoa, and the rest of the contending powers. The definitive treaty was signed in the month of October: by this instrument the island of cape Breton was restored to France.

Early in November, a number of Spanish privateers came up a considerable distance in Cape Fear river, and committed great depredations; one of them was blown up, and a number of negroes and some valu-

able effects were taken out of the wreck : the proceeds of the sales of this property were afterwards applied to the building or repair of the churches in the towns of Brunswick and Wilmington, in the neighborhood of which the injury had been sustained.

The people, known by the appellation of the *Unitas Fratrum*, or the United Brethren, obtained in the following year, a statute of the British parliament, authorizing them to establish settlements in the American provinces.

A printing press was this year imported into the province and set up at Newbern, by James Davis, from Virginia : this was a valuable acquisition, for, hitherto the want of an establishment of this kind was severely felt : the copies of the laws, being all manuscript, were necessarily very scarce and it is likely faulty and inaccurate.

With a view to offer employment and an asylum to the great number of soldiers and seamen, who were discharged from the king's service at the peace, and to promote the settlement of the province of Nova Scotia, the lords commissioners of trade and plantations offered land to them, free from quit rent for ten years, and subject afterwards to a yearly rent of one shilling on every fifty acres : those who availed themselves of this offer, were offered their subsistence during the passage and one year after their arrival. The same offers were also held out to artificers, useful in building and husbandry. A number of people, impelled by this encouragement, emigrated and the town of Halifax was established.

The legislature, which sat at Newbern this year, held three sessions : the calm of peace was improved and several important laws were passed : the revisal of the

acts of the general assembly, completed by Samuel Swann, was offered to the legislature, examined and approved. The judges having hitherto often differed in opinion, with regard to such acts of the parliament of the mother country, which were in force in the colony, the question was settled by the authority of the legislature, who passed an act containing the title of every statute that was recognized as in force and use, and all others were declared of no validity ; but, as the mother country was not prepared to allow the colonies to shake the authority of her parliament over them, the law received the royal disallowance. Provision was made for the relief of insolvent debtors, for docking entails of small estates.

The counties of New Hanover and Bladen were divided, and the western part of the former was erected into a new county by the name of Duplin, and that of the latter into another called Ansa, in honor of the late circumnavigator of the world.

A town was established on the north side of Roanoke river, in the county of North Hampton, to which the name of Hawns was given, from an English barony of that name, owned by lord Granville ; the law, authorizing the first erection of a toll bridge, was passed this session, and the bridge was soon after built over the river Trent ; the grantee's interest was extended to twenty-five years.

The culture of raw silk, in the British American colonies, was encouraged by an exemption from duty on its importation into Great Britain ; the same immunity was extended to bar iron, imported into the port of London, and pig iron into any port of Great Britain. These ad-

vantages were, however, far from being gratuitous ; they were more than counterbalanced by severe restrictions. The erection of slit mills and iron furnaces, in any part of the provinces, was strictly prohibited ; they were declared public nuisances, and the governors were specially charged to cause them to be destroyed ; the colonists were not suffered to extend their works in these manufactures even for their own use ; slit mills and steel furnaces, heretofore erected, were however permitted to stand and be employed.

The boundary line between the provinces of Virginia and North Carolina, had been run from the sea shore to Peter's creek, which falls into Dan river, a little below the Saura towns : it was now continued, by commissioners appointed by the legislatures of the respective provinces, to Holstein river, directly opposite to a place called the Steep Rock, a distance of ninety miles and two hundred and eighty poles. The commissioners of Virginia were Joshua Fay and Peter Jefferson ; those of North Carolina, William Churton and Daniel Weldon.

The greatest injury which France had sustained during the war, had fallen on her navy ; she applied herself in the calm of peace to repair her loss ; her activity excited the apprehension of Great Britain for her commerce and her colonies. There existed, however, between these powers, differences in regard to their American possessions, to which the treaty of Aix la Chapelle had not put an end : the boundaries of Nova Scotia, which the British extended far into Canada, and the French restricted to the peninsula between Newfoundland and New England, and the islands of St. Lucia, Dominique, St. Vincent and Tobago, of which the two nations claimed the property.

Commissioners were appointed on both sides, who met at Paris in the latter part of September, 1750.

The Moravians or United Brethren, purchased from lord Granville a tract of one hundred thousand acres, between Dan and Yadkin river, about ten miles to the east of the Gold mountain: they gave it the name of Wachovia, after an estate of count Zizendorff, in Austria.

The legislature met in the town of Newbern, in the month of June. Objects of improvement, in the internal polity of the province, appear to have engrossed their whole attention: inspectors of commodities intended for exportation, were now first appointed for the ports of Brunswick and Wilmington: rice, beef, pork and naval stores, were the articles made liable to inspection. The pilotage of Cape Fear, which was not yet under any regulation by law, became this session an object of legislative improvement.

A duty was laid on wine and spirituous liquor, imported from South Carolina by land into the county of Anson: this is the first instance that occurs, of an inland duty; the legislature were induced to lay it, through the desire of checking the growing trade of the province of South Carolina with the western country, which deprived the ports on Cape Fear river of almost all the produce from the upper parts of the province.

By a statute of the parliament, the new style was introduced into all the king's dominions; the old computation of time was declared to be abolished, after the last day of December of this year, and the new year to begin on the first of January; it hitherto began in March; the day following the 2d of September, 1752, was reckoned the 14th, omitting eleven days.

The attention of the British legislature was drawn to the advantages which the nation was likely to reap, from the importation of pot and pearl ashes from the American provinces : great quantities of these articles were consumed at home, in making soap and other manufactures ; the colonies were encouraged to supply the mother country with these articles, by their exemption from duty.

The statutes, allowing a bounty on the importation of naval stores, masts, &c. were continued, and new regulations introduced.

The provincial general assembly met in the town of Bath, on the first of March : this is the only session of the legislative body which appears to have been holden there.

A duty was laid on goods sold by pedlars. Considerable injuries having arisen to vessels, from the badness of the channels, leading to the ports of Edenton, Bath and Newbern, and the insufficiency and neglect of pilots ; commissioners were established in those ports, whose duty it was made to examine and license pilots, to cause the channels to be staked out and to superintend the navigation. Parts of the counties of Granville, Johnston and Bladen, were erected into a new county, which was called Orange ; and a town was established on the west side of Cashie river, in the county of Bertie, to which the name of Wimberly was given, from the owner of the ground.

In the course of this year, was completed the printing of the first revisal of the acts of assembly : the multiplication of the copies of them, by means of the press, was a valuable advantage : it tended to introduce order and uniformity in the decisions of courts, and by defi-

ning the rights of the people, in a degree, put an end to the great anarchy and confusion which had hitherto prevailed, from the ignorance of the people and the magistrates in this respect. The work was handsomely printed and bound in a small folio volume: a yellowish hue of the leather with which it was covered, proceeding from the unskilfulness of the tanner, procured it the homely appellation of the Yellow Jacket, which it retains to this day.

The trustees for the province of Georgia surrendered their charter to the king, on the second of July, in consequence of which regal government was established in that colony. The provinces of Pennsylvania and Maryland were now the only remaining ones, in which a proprietary government existed.

Governor Johnston now died, having presided over the province during a period of nearly twenty years. Under his administration, William Smith, Nathaniel Rice, Robert Holton, Matthew Rowan, Edward Moseley, Cullen Pollock, Edmund Porter, Eleazer Allen, James Murray and Roger Moore sat in council. The chief judicial seat was successively filled by William Smith, John Montgomery, Edward Moseley, Enoch Hall, Eleazer Allen and James Hasell.

The province increased considerably: the white population, which, at the purchase of it by the crown did not exceed thirteen thousand, was upwards of forty-five thousand; an increase of above three and one half for one, during a period of twenty-three years.

The exports of the province were already considerable: it appears, that in the following year there were exported 61,528 barrels of tar, 12,055 barrels of pitch, 10,429 barrels of turpentine, 762,000 staves, 61,580

bushels of corn, 10,000 bushels of peas, 3,300 barrels of pork and beef, 100 hogsheads of tobacco, 30,000 pounds of deer skins, besides wheat, rice, bread, potatoes, beeswax, tallow, bacon, lard, lumber, indigo, and tanned leather.

Chalmers—Brickley—History of S. C.—Records.

CHAPTER IV.

ON the death of governor Johnston, the administration of government devolved on Nathaniel Rice, the councillor first named in the king's instructions.

In the month of September, 1752, a hurricane ravaged the southern provinces; the town of Charleston was overflowed and the inhabitants took refuge in the upper stories, or on the roofs of their houses; the impetuosity of the wind was more severely felt in North Carolina; the court house of the county of Onslow, in the town of Johnston, with the dwelling house of Edward Black, the clerk, and almost every building, were blown down and destroyed; the county lost all its records, and the town was so materially injured that it was abandoned.

On the 28th of January, president Rice died, at an advanced age, and was succeeded by Mathew Rowan, the next councillor.

This gentleman qualified, at Wilmington on, on the first of February, and met the legislature, at Newbern, on the 23d of March.

The calm of peace allowed them to bestow their undivided attention on the internal concerns of the province: the trade of the most considerable part of it being greatly obstructed, by the large shoals that lie within Ocracock inlet, so as to render small vessels necessary, to lighten ships of burden over the bar; the heavy expense, thus occasioned, and the great danger to which

the ships and lighters were, in the mean while. exposed, were sensible injuries to the commerce, to come into Ocracock inlet, and commodiously, to ride at anchor in the harbor of Core sound; experience had shown, that the merchants trading to Albemarle sound, Pamlico and Neuse rivers, were compelled to send to Ocracock inlet, or Core banks; sometimes the whole, and almost always, one half of the cargoes of vessels, of any burden, so as to require wharves and warehouses, near the harbor or on the banks, for the reception and safe keeping of the commodities, they were obliged to send down. It was imagined that these evils would be remedied, by establishing a town on the Core banks: a law was passed therefor, and the town was called Portsmouth; but, as the spot on which it was to be erected, was far distant from any inhabited part of the province and open to the depredations of the enemy, in time of war, even to the insults of pirates at all times, an appropriation of two thousand pounds was made, for erecting a fort for its protection, to which the name of fort Granville was given.

The upper part of the county of Anson, was erected into a new and distinct county, which, in compliment to the president, was called Rowan.

The French now began to carry into execution, their long concerted plan of connecting, by a chain of forts and continued settlements, their possessions in Canada and Louisiana, and as part of it, to endeavor to debar the English from all trade and intercourse with the nations of Indians, dwelling along the Mississippi, even those on the back settlements of the British provinces. Early in January, they had taken possession of an English truck-house, in the Twigtees nation, and carried several of

the traders prisoners into Canada, and soon after, they sent down a party of their Indians from Louisbourg, to harrass the province of Nova Scotia. On the receipt of the information of these particulars, lord Holderness addressed a circular letter to the governors of the southern provinces, to require them, with the utmost diligence, to put their respective provinces in the best posture of defence; to watch the motion of the subjects of France, and, in case any of them, or those of any other foreign power, should presume to encroach on any part of their governments, to erect forts or commit any act of hostility, immediately to represent the injustice of such proceedings and require them immediately to desist, and, on refusal, to draw forth the strength of the province, and repel force by force.

As circumstances required that the several provinces should assist each other, in case of invasion, the governors were required to correspond together, and on the first information of any hostile attempt, immediately to convene the legislature, and lay before them the necessity of mutual assistance, and engage them to furnish such supplies as the circumstances might call for.

Lord Holderness concluded, by observing, that he had the king's express command, more strictly to enjoin, that no use might be made of the armed force, except within the undoubted limits of the British dominions. The misfortune was, that these *undoubted* limits were far from being easily discernible. The French minister of the marine, Monsieur Reuille, to whose department the concerns of the plantations belonged, was at the same time writing to the marquis de Jonquiere, governor of Canada, with the same apparent desire of justice, when he gave the orders, in consequence

of which, the British government conceived its rights were invaded. "The king commands me," said he, "to recal to your mind the instructions which have been often given to you, in regard to your conduct towards the British, particularly on the subject of the boundaries of the dominions of the two crowns, until they be finally ascertained. In supporting his rights against any encroachment, you are not to undertake any thing that may violate those of the British king. See that the officers whom you may station in the posts near the British colonies, act on the same principle; avoid whatever may give room to just complaints against you."

Vainly were the officers of the two nations required to act towards each other, with all the moderation, compatible with the honor of their respective nations, and the security of their possessions; neither could prevent a rival power, with a different idea of its own rights and possessions in America, from viewing even that moderation, as an overt act of hostility.

On the 29th of October, the assembly of Jamaica resolved, "That it is the interest and undoubted right of the representatives of the people, to raise and apply moneys, for the services and exigencies of government; and to appoint such person or persons, for the receiving and issuing thereof, as they shall think proper; which rights this house has exerted, and will always exert, in such manner as they shall judge most conducive to the service of his majesty and the interest of the people."

Early in January, an express from governor Dinwiddie of Virginia reached president Rowan. The governor, alarmed at a rumor of the movements of the French on the Ohio, had sent thither major Washington (the man who, a few years after, became one of the

most conspicuous characters of his age) who reported that the French had taken post on one of the branches of that river, and built a fort, in which they had mounted eight six pounders: they had materials in readiness for other forts, which they declared their intention of building on the river, and particularly at Logstown, the place destined for their future residence, as soon as the season would permit them to embark. For this purpose, they had upwards of two hundred canoes finished, besides a great number of others blocked out. To the representations of the major, the commanding officer at the post had answered, that the country belonged to the French; that no Englishman had a right to trade upon those waters; and he had orders to make any of them prisoners, who attempted it on the Ohio or its branches.

Governor Dinwiddie, in giving the information to president Rowan, observed, that the force of the enemy was far from being contemptible: they had already engaged three nations of Indians, the Chippeways, Ottaways and the Orendakes, to join them: they had four other forts on the Mississippi, besides a garrison of one thousand men at New Orleans. By the means of the Wabash, they had a communication between Canada and the Mississippi; and before they sent their troops into winter quarters last fall, they had called the several tribes of Indians together at the fort, and told them they might rely on seeing them early in the spring, with a very considerable reinforcement; that they would take possession of the Ohio, if they were not entirely passive. The letter concluded, by soliciting an aid of men from the province, to join the troops, that were raising in Virginia and Maryland, and march against the French.

President Rowan immediately issued his proclamation, for the meeting of the legislature at Wilmington, on the 19th of February.

In his speech, at the opening of the session, he communicated to the houses, the despatches he had received from lord Holderness and governor Dinwiddie, and pressed them to improve the opportunity of manifesting their loyalty to the king, their zeal for his service and their affection for a sister province. The lower house put a price on their compliance, and insisted, as a *sine qua non*, on obtaining the president's assent to a bill for issuing a considerable sum in paper currency. This was easier to be obtained from a temporary chief magistrate than from a governor, who, by yielding the point, might incur the risk of losing his office. President Rowan did not make much difficulty. Various plans were accordingly introduced; the most prominent of which was a scheme for a general loan office, to be managed by four trustees, chosen by the chief magistrate out of eight persons named by the assembly, one of whom should go out yearly, and be replaced by a similar mode of re-appointment. A sum of eighty thousand pounds was proposed to be emitted, in bills of different denominations, from fifty to one shilling, and proclamation money, of the value of four shillings to three shillings sterling. One half of the emission was to be in bills of twenty shillings and under, and to be loaned by the trustees on security, in sums from three hundred to twelve hundred pounds, with a proviso, that on the interest being paid within two months after the day of payment yearly, five per cent. only should be taken, otherwise six. The rest of the emission, being in large bills, was to be loaned on the same terms; but, with a view to

keep the credit of those bills in circulation, it was provided, that one per cent. interest should be allowed thereon, from the time the bill was lent out till returned, and paid into the office in discharge of some money, there borrowed. These bills were to be loaned in sums from five hundred to twenty pounds. All the bills were to be a tender in all payments. The friends of this plan contended, that no beneficial commerce could be carried on, without some kind of a circulating medium, and that the mode hitherto pursued, when paper was emitted, to lay a tax for the redemption of it, by instalments, within a limited number of years, and cancelling and burning yearly the produce of the tax, did not fully answer the intended end; for, the circulating medium was thus gradually lessened, the remainder being still sooner absorbed by the tax, and, at the end of this operation, the necessity of a circulating medium, was as equally pressing as before the emission: as a sufficient quantity of coin or bullion could not be brought into, and retained in the province, without an increase of trade, and a proper economy to procure a balance in favor of the province, by increasing the amount of exports and diminishing that of imports, which could not be effected in an infant and growing province, where all necessities are to be provided for, to improve the lands and purchase slaves; that the circulating medium ought to be rather increased than lessened, as the population of the province advanced. Even if the president's assent could have been had to this plan, it was not likely a majority of the council would have hazarded their seats by sanctioning the measure: emissions of paper in the colonies being highly disapproved of at home, and exciting the complaints of the merchants, who, as the currency fell in

value, by the accession of a greater quantity, were obliged to receive it in payment from the planters, or take produce at the advanced price to which it naturally rose, with the increase of the medium with which it was to be exchanged. The plan failed. The grant of supplies and the emission of money were made the object of one bill.

The sum of one thousand pounds was appropriated to the raising, subsisting and paying such troops as the president might see proper to send to the assistance of the province of Virginia. Two thousand were also appropriated for the repairs of Fort Johnston, and a like sum for those of Fort Granville. The inhabitants of the frontier counties of Anson and Rowan, being judged too poor to support, unaided, the expenses attending the defence of the back settlements against the Indians, one thousand pounds were appropriated to the purchase of arms for their use.

Forty thousand pounds, in bills of credit, were emitted to meet these expenditures, and another appropriation was made of twenty thousand pounds, for the purchase of a glebe in every county, for the establishment of a public seminary and the repairs of the public buildings of the province. This last appropriation was made under a suspending clause, till the king's pleasure was signified. It does not appear that it ever was obtained.

An annual poll tax of one shilling and a duty of four pence on every gallon of wine or spirituous liquors, were the means provided for the redemption of the paper now emitted, and to continue till it was in this way all bought in and cancelled. It will appear in the course of this history, that the tax and duty were continued until the abolition of the regal government. The appro-

priation for the seminary, which, however, proved ineffectual, is the first evidence of a desire to encourage literature, manifested by the legislature of the province: it did not happen till nearly ninety years after the settlement of the country.

The upper part of the county of Bladen was erected into a distinct county, and called Cumberland.

The town of Exeter, in the county of New Haven, and that of Gloucester, in the county of Anson, were established.

President Rowan lost no time in raising the troops, voted by the legislature for the assistance of the province of Virginia. Colonel James Innis of New Hanover, marched, at the head of this succour, and joined the forces of Virginia, swelled by those of Maryland.

Without considering much the strength or composition of this small army, governor Dinwiddie, following the advice of the king's council, directed its march to the Allegheny mountains, with directions either to dispossess the French of their forts or erect one in the neighborhood. The whole force was placed under the order of the officer who commanded the detachment of North Carolina. The total number was not equal to one half of that of the enemy, and no care had been taken to provide for the troops any of the necessary supplies or conveniencies, which the season and the part of the country for which they were intended required. In giving orders for procuring recruits for the Virginia regiment, it had been unaccountably forgotten to provide any money for that purpose. The legislature of that province soon after rose, and there being no provision made for the prosecution of the war, the expedition

was countermanded, and colonel Innis marched back his men to North Carolina.

The provinces were much exposed to the depredations of the Indians, more particularly during a war between England and France, and, individually, either too weak to take efficient measures for their own defence, or unwilling to take upon themselves the charge of erecting forts, and maintaining garrisons, while their neighbors, who partook equally with them in the advantage, contributed nothing. Some times also, the defects which existed between the governor and the assemblies, prevented the adoption of measures of difference. To avoid the evils attending this immediate difference of interest, and the better to combine the forces of the provinces, it was recommended to them by the lords commissioners of trade and plantations, to devise a plan of union between the colonies, to regulate all measures of general interest. To accomplish this end, the former were invited to send commissioners to Albany, in the province of New-York. All, however, did not attend this call: commissioners from the provinces of New-Hampshire, Massachusetts, Rhode Island, New-Jersey, Pennsylvania and Maryland, attended; a plan proposed by Benjamin Franklin, one of the commissioners from Pennsylvania, a gentleman famous in the republic of letters and in the American history, was adopted, to be recommended, which has ever since been known by the appellation of the "Albany plan of union."

Application was proposed to be made for an act of parliament to establish, in the American provinces, a general government, to be administered by a president

general, appointed by the crown, on the nomination of a grand council, chosen by the legislatures of the different provinces. The number of members to be chosen in each, to be in direct proportion to the sum paid by it into the general treasury: but no province was to chose more than seven, nor less than two members. At first, the provinces of Massachusetts and Virginia were to have seven members each; that of Pennsylvania six, that of Connecticut five, those of New-York, North Carolina and South Carolina four each, that of New-Jersey three, and those of New-Hampshire and Rhode Island two each. The whole executive power was vested in the president general; the legislative power was vested in the grand council and the president general; his assent being necessary to the passage of a bill into a law. The general legislature was empowered to declare war, conclude treaties and make peace with the different nations of Indians; to regulate trade with, and make acquisitions of land from, them; in the name of the king or of the union, to settle new colonies, and make laws for their government, till their erection into distinct provinces; to raise troops, build forts, fit out and arm vessels and use all other means for the general defence. To carry these powers into effect, they were empowered to lay duties, taxes and imposts. All laws were to be transmitted over for the king's approbation, and, unless disapproved within three years, were to remain in full force. Military officers were to be nominated by the president general and appointed by the council, and those in the civil department were to be nominated by the council and appointed by the president general.

The French, still persisting in their endeavors to occupy the borders of Ohio, the province of Virginia

raised a regiment to check their advances. Major Washington, on whom the command of this corps had devolved, on the death of colonel Fry, advanced towards that river early in the spring. He met with, and defeated a small French party, under the orders of captain de Jumonville, and directed his march to the confluence of the Monongahela and Allegheny rivers, where the Ohio company had sent a number of men to erect a fort. But, on the 4th of July, he was attacked and defeated by a party of French and Indians, with the loss of 150 killed and 70 wounded.

The plan proposed by the commissioners of the province was submitted to their respective legislatures and rejected by all, as giving the president general, the representative of the crown, an influence greater than appeared to them proper, in a plain government formed for freemen. The British ministry disapproved of it; because it gave too much power to the representatives of the people. Perhaps these objections, from each party, are the strongest proof that can be adduced of its excellence, as directed to the situation of Great Britain and America, at that time. It appears to have steered, exactly in the middle, between the interest of both.

Chalmers—Marshall—Records.

CHAPTER V.

IN the fall of 1754, Arthur Dobbs, who had been appointed governor of the province, arrived at Newbern. This gentleman was an Irishman, and had been a member of the Irish parliament: he was a man of letters and enterprise. It was at his solicitation, that the board of admiralty, in England, had been prevailed upon, in 1741, to cause a new attempt to be made, under the orders of Christopher Middleton, a captain of the Hudson bay company, to find a northwest passage to Japan, China, and India. The expedition sailed in the month of May, of that year; but it was unsuccessful. The plan of governor Dobbs was complained of by Monsieur Durand, one of the French commissioners, (1742) as tending to encroach upon the trade which the French carried on with the Indians towards the north of Canada, and to extend the British settlements in these parts to the prejudice of those of the French.

Governor Dobbs brought a few pieces of cannon and one thousand firelocks, a present from the crown to the province. He was accompanied by a number of his relations and countrymen, who had followed him with the hope of being promoted to lucrative offices, and the inhabitants of the province were not long without complaining of his too great fidelity in gratifying the desires of his followers.

He qualified at Newbern, on the 1st of November, and met the legislature six weeks after, in that town. He recommended the fixing of a permanent and adequate revenue on the crown, to meet the expenses of government, and a proper salary for the governor for the time being: he drew the attention of the lower house to the necessity of making an early appropriation for the repairs of fort Johnston and the other fortifications, and the support of a few soldiers; and of making provision for the support of a minister of the established church, in each county; for the regulation of trade, and the preservation of a good understanding, with the neighboring Indian tribes. The revision of the court system and the inspection laws were mentioned by him, as proper objects for the deliberation of the legislature, and he desired that some remedy might be applied to an alarming and growing evil, the great circulation of counterfeited bills of credit.

The assembly were ready to enter on the business recommended, if we except the allowance of a salary for the chief magistrate. An aid of eight thousand pounds was granted to the king for the defence of the province: a duty was laid on every ton of shipping of one fourth of a pound of powder and one pound of lead, and a bounty was allowed for facilitating enlistments. Means of defence being thus provided, the legislature turned their attention to the internal concerns of the province. A new judicial system was formed; a supreme court was established in different districts of the province; and provision was made for holding courts of oyer and terminer and general jail delivery, defining the jurisdiction of county courts and settling the mode of proceeding therein. Inspections of tobacco were established and

the exportation of that article, before it had been submitted to some test, was forbidden. Inspectors' notes were made a tender at the public treasury, at the rate of one penny a pound. The cultivation of this commodity, it seems, was as yet confined to the northern part of the province, the act making no provision for the inspection of it, to the southward of Tar river.

In their address to the governor, the lower house lamented the repeal of the act, establishing several towns and counties.

The ministry, judging that the provincial forces were unequal to a conflict against the French, despatched commodore Reppel, with a squadron of ships of war, conveying major general Braddock and a reputable body of troops.

After a long and tedious passage, general Braddock reached Williamsburg, early in the following year. In the letter, announcing his arrival to Henry Fox, the secretary of war, on the 4th of February, he said, "I have found every thing in great confusion, as I expected: much money has already been spent, though very little is done. The governor here is of opinion, that the people of the province are well inclined to give all the assistance in their power, to an affair that concerns them so nearly. Governor Dobbs is well enough satisfied with those of his province, and hopes to be more so hereafter; Pennsylvania will do nothing, and supplies the French with every thing they want."

His first step was to address a circular letter to the governors of the several provinces, to prevail on them to exert themselves in their respective governments, to obtain supplies of men and money; he recommended them to lock up their ports, so as

to render it impossible for the enemy to draw any provisions from the provinces, and expressed a wish that a common fund might be established out of the money, granted by the several legislatures. In a letter of the 18th of March, to Sir Thomas Robinson, secretary of state, he complained of the difficulties he had to encounter, in the following terms: "The jealousy of the people and the disunion of many of the colonies are such, that I almost despair of succeeding. I am indeed very sorry to tell you, that in all appearance, I shall meet with great difficulties in obtaining from those colonies, the supplies which the king expects from them and the general interest requires. Governor Dinwiddie has already obtained from his province twenty thousand pounds currency, and he hopes to obtain a still larger sum. North Carolina had granted eight thousand pounds and Maryland six thousand, each of the current coin of their respective governments. Although Pennsylvania is, without contradiction, the richest and the most concerned in this expedition; yet, it has supplied nothing hitherto." And in a letter of a later date to the earl of Halifax, the general writes: "I am sorry to have been under the necessity of saying, that the inhabitants of these colonies have all shown a great indifference for the king's service, and their own interests. However, they do not all fall under this censure, and particularly those of the province I am now in, (Virginia,) are not to be compared with their neighbors, and may not have deserved reproaches. But I cannot sufficiently express my indignation against the provinces of Penn-

sylvania and Maryland, which, being quite as much concerned in this expedition as their neighbors, and much more so than any other on this continent, refuse to contribute in any shape towards the support of this project, and even what they propose, they do only on such terms, as are entirely contrary to the prerogative of the king and his instructions to the governors."

Early in April, governor Dobbs left the province in order to attend a meeting of the governors of the provinces, which general Braddock had requested, with a view of consulting them on the most proper mode of operation. They met him at Alexandria, on the 14th of April. The result of their deliberations was a recommendation of three expeditions.

The object of the first and principal one, was the reduction of fort Duquesne, which stood on the spot on which the present town of Pittsburg now stands, in the state of Pennsylvania. General Braddock was to command it in person, and his forces were to consist of the troops he had brought from England, and such reinforcements, as might be obtained from the southern provinces.

The second, which was to be under the command of governor Shirley of the province of Massachusetts, was intended against Niagara and fort Frontignac. Two regiments raised in that colony, were to be the main force employed in it.

The last had Crownpoint for its object. For this, provincial troops were to be raised from the province of New-York, and those of New England; major general William Johnston of New-York, was designated as the leader of it.

General Braddock lost no time in making the necessary arrangements for the expedition which he was to head. He formed two companies of carpenters, each composed of a captain, two subalterns, two sergeants and thirty men. One of them was to be employed in making roads and boats, and the other in repairing carriages: he also raised a company of guides, composed of a captain, two aids and ten men. He established forts from the head quarters to Philadelphia, Annapolis and Williamsburg. His difficulties were increased by the great number of horses, waggons and batteaux, necessary for transporting the artillery, baggage and provisions, and the scarcity of laborers and the excessive price they required: the provisions were to be drawn from many provinces, distant from each other; the want of forage was severely felt, and the expedition was detained a considerable time waiting for the artillery. He set off, on the 20th of April, on his way to fort Frederick, in order to go by the way of Wills creek, where a post was established, on the spot since known as fort Cumberland, near the source of the Potomac, then the most western post, held in those parts by the English.

General Braddock was detained on the road at this post, by a coincidence of untoward circumstances, until the middle of June, when apprehensions were entertained, that this inauspicious delay would afford the enemy the opportunity of strengthening the post against which the expedition was aimed, so as to occasion its miscarriage. It was thought of the utmost importance to guard against this contingency, and the general, taking with him a chosen corps of twelve hundred men,

began a rapid march: the baggage of the detachment was packed on horses, and as few waggons were taken with it as were sufficient for the removal of the military stores. Colonel Dunbar was left with the rest of the army, and directed to follow by slower and easier marches.

General Braddock was not, however, able to reach the Monongahela till the eighth of July; the rugged state of the country did not allow a speedier progress, though the corps was disencumbered from every article that could be left behind.

After having crossed the stream, the general disposed his forces for battle: he placed in front three hundred British regulars, among whom were his grenadiers and light infantry, and followed, at some distance, with the artillery and the main body of the army, divided into small columns. This was a most unfortunate arrangement, and the general had determined on it, notwithstanding the representations of all the American officers near him, who recommended, that the provincial companies should be made to advance in front, scour the woods, discover, and give alarm in case of any ambuscade. This recommendation was disregarded, the general having too contemptuous an opinion of the enemy against whom he was advancing, and of the capacity of American soldiers. In the midst of a wide, open piece of ground, covered with grass to a man's height, the unseen foe fired on, and threw into confusion, the unsuspecting ranks in the van of the British forces: but the prompt advance of the main body, and the fall of the French commanding officer, put a momentary stop to the attack: but the assailants soon resumed it with great fury, and the van falling back on the main body, a general confusion followed.

Every officer on horseback, except George Washington, who was near the general as one of his aids, was killed or wounded, and the commander himself received a deadly wound : at this moment, his dismayed British soldiers ran in various directions, in disorder and confusion : the provincial forces kept the field a considerable time longer. Great was the carnage that ensued, till the Indians, who constituted a good portion of the enemy's army, diverted by the hope of plunder, gave up the pursuit. Sixty-four out of eighty-five officers, and one half of the men were either killed or wounded : the artillery, stores and baggage were all taken. The portion of the army that escaped, reached colonel Dunbar's camp, where the general breathed his last. The colonel, alarmed for the safety of his men, sought their safety in a precipitate retreat, and, after burning most of his stores, marched to Philadelphia.

By the unfortunate issue of this expedition, the western settlements of the southern provinces were left open to the attacks of the Indians, and most of the planters sought an asylum in the more thickly inhabited parts of the country.

The expeditions, under governor Shirley and general Johnston, were not so disastrous, but neither of them was successful. The army of the latter, during the summer, lay on the eastern bank of the Hudson, a little south of the city of Albany. In the early part of June, the troops of the eastern provinces began to pour in, company after company, and such a motley assemblage of men never before thronged together, on such an occasion, unless an example may be found in the ragged regiment of Sir John Falstaff. It would have relaxed the gravity of an anachorite, to have seen the descendants of

the Puritans, marching through the streets of our ancient city, take their situation to the left of the British army, some with long coats, some with short coats, and others with no coat at all, with colors as varied as the rainbow ; some with their hair cropped like the army of Cromwell, and others with wigs, the locks of which floated with grace around their shoulders. Their march, their accoutrements and the whole arrangement of the troops, furnished matter of amusement to the rest of the British army. The music played the airs of two centuries ago, and the *tout ensemble*, upon the whole, exhibited a sight to the wondering strangers, to which they had been unaccustomed. Among the club of wits that belonged to the British army, there was a Doctor Shack-burg, attached to the staff, who combined with the science of a surgeon the skill and talents of a musician : to please the new comers, he composed a tune, and with much gravity recommended it to the officers as one of the most celebrated airs of martial music. The joke took, to the no small amusement of the British : brother Jonathan exclaimed it was *nation fine*, and in a few days nothing was heard in the provincial camp, but the air of Yankee Doodle. Little did the author, in his compositions, then suppose, that an air made for the purpose of levity and ridicule, should ever be marked for such high destinies. In twenty years from that time, the national march inspired the heroes of Bunker's hill, and in less than thirty, lord Cornwallis and his army marched into the American lines to the tune of Yankee Doodle.

Governor Dobbs, in the course of the summer, visited the western counties of the province, and the towns on the sea shore, with a view to ascertain on what spots fortifications might be erected with the greatest pros-

pect of utility. He met the legislature on the 25th of September, at Newbern: in addressing the houses, he observed, that the situation of affairs in the province, being much altered since their last meeting, and the danger increased of the French being able to accomplish the scheme they had formed, of confining the British provinces to the eastern side of the mountains, by a chain of forts from Canada to Louisiana; of gaining most of the nations of Indians to their alliance, and of preventing those who were friendly to the English from appearing in their defence, he was compelled to solicit them, in the king's name, to grant as large supplies as the situation of the province could allow, not only to defend the frontier counties, but also to co-operate in offensive measures with the other provinces, against the common enemy: he recommended the erection of a fort, between Third and Fourth creeks, near the South Yadkin, in the county of Rowan, near that of Iredell, a central spot between the northern and southern boundaries of the province.

The legislature granted a supply of ten thousand pounds, for the erection of this fort and for raising, equipping and paying three companies of fifty men each, exclusive of commissioned officers; and with a view to facilitate the approvisionnement of the king's forces, an act was passed prohibiting the exportation of provisions or live stock, to any of the enemy's or neutral ports.

Pork, beef, rice, indigo, naval stores and lumber, were this year made subjects of the laws of inspection, which hitherto related to tobacco only.

The people known by the appellation of *Unitas Fratrum* or United Brethren, though more generally by that of the Moravians, having formed considerable settle-

ments in Wachovia, a large tract of land, which they owned in the county of Rowan, now in that of Stokes, were erected into a separate parish, that they might discharge their parochial duties with more convenience and ease: the new parish was called Dobbs' Parish.

To the distresses of the war, was now added the calamity of one of those epidemical diseases, which at different periods have scourged the continental provinces, in autumnal visitations.

In the following year, the fortification which the governor had recommended, was raised: it was an oblong square, fifty-three feet long and forty-three wide: the opposite angles were twenty-two by twenty-four: it was twenty-four feet high, and had three floors, from each of which above one hundred muskets might be discharged at the same time.

The British now began to retaliate on their rivals, by captures at sea, and early in the following year, on the application of the French court for restitution of the vessels seized, the British cabinet required a previous satisfaction for the invasion of the king's territories and the hostilities committed on his American subjects. On receiving this answer, the French king granted letters of marque and reprisals. On the 18th of May, war was formally declared by the court of Great Britain; an example which was followed by France on the 18th of June.

The earl of Loudon, who had been appointed commander in chief of the king's troops in America, and governor of the province of Virginia, came over in the spring. Nothing of importance was, however, attempted during the year.

In the month of September, the marquis of Montcalm made himself master of the important post of Oswego, on lake Ontario: the British garrison, consisting of sixteen hundred men, were made prisoners of war. This fortification, having been erected in the country of the Five Nations, was not viewed by them without jealousy: the marquis wisely destroyed it in presence of the Indians, telling them that the French wished to enable their red brethren to preserve their neutrality, and would not make any other use of victory than to demolish the forts built by the English on the lands of the Indians, with the design of overawing and keeping them in subjection.

The general assembly of the province sat at Newbern on the last day of December. The attention of the houses was drawn by governor Dobbs to the change which had taken place since their last session: he said that the measures which the king had taken to preserve the rights and possessions of his American provinces, and compel the French to restore the territories they had taken possession of, had encouraged the hope of a speedy determination of all differences; but it now appeared, that the king of France, not only persisted in the determination of hemming in the British colonies, securing the Indian trade, engaging the Indian tribes on the frontiers in his cause, and with their assistance expelling the English from the continent of America, but had invaded, previous to any declaration of war, the king's dominions in that of Europe, and threatened an invasion and the total destruction of the British empire, outrages which had compelled the king to declare war against France.

After observing that the whole British empire, in America, was at a stake, and the religion, liberties and possessions of the nation in the utmost danger, unless her whole, united strength was exerted to repel those faithless neighbors and merciless enemies, he added, that the great weight of a war against the exorbitant power of France, without the assistance of any ally, under the pressure of a heavy debt, contracted for securing the integrity of the territory of the American provinces, required, that they should yield assistance to the mother country to the utmost of their ability, and recommended that, by an efficient aid, the province might be prevented from becoming the seat of war.

He informed the houses, he had received the king's instructions to recommend to them the passage of a bill for preventing desertions, and to encourage the recruiting service, and to request, that such sums as might be raised for the public service of the colonies, might be placed under the directions of his commander in chief, over all the colonies, and in compliance with the address of the assembly, at their last session, to re-enact the twelve laws, which had been repealed by the king in council, in 1754. for erecting counties and towns, reserving to the king his right to create members to serve in the assembly, and also to agree to the repeal of such subsequent laws for erecting counties which had not been laid before the king in council, before the month of April, 1754, and to re-enact them with the same reservation.

He recommended the passage of a militia law, and the revision of those for the support of the clergy and for the inspection of commodities.

The legislature granted a small aid only of three thousand four hundred pounds, which were appropriated to the defence of the western country; and, in compliance with the recommendation of the governor, passed a law to prevent desertion. The acts establishing the counties of Orange, Rowan and Cumberland, and those allowing the towns of Wilmington and Brunswick, the right of being represented in the lower house, were repealed, as containing clauses injurious to the prerogative of the crown, and acts were passed, for re-establishing those three counties, and all those, the erection of which had been disallowed by the king in council, by his orders of the 8th of April, 1754. A clause was inserted, declaring that the establishment of these counties was not to be construed as allowing the royal prerogative of granting letters of incorporation, ordering and regulating elections, and establishing fairs and markets.

More extensive regulations were made for the improvement and establishment of roads and ferries. Proper amendments were introduced in the inspection laws, and measures were taken to secure the collection of the powder duty.

The governor now informed the upper house, that the fortifications on Cape Fear river, at Core sound and Topsail inlet, would soon be in a state of defence, and that he had information, that the artillery and ordnance for Fort Johnston would soon arrive, and that he had applied for artillery and ordnance stores for the other forts, and for a company of one hundred and twenty men, to be fixed on the British establishment; whereupon the house, at his recommendation, addressed the king, imploring his protection for the province, and resol-

ved, that they would cheerfully concur with the other house, in making provision for the support of such men as he might send to garrison the forts.

The governor communicated the instructions he had received from the king, to fix on a proper spot for the seat of government, and the representations of the lords commissioners of trade and plantations; that it should be in a healthy situation, the most central,, and their intention to advise the king, that it should be somewhere on the river Neuse; a committee of both houses was appointed, to view the country and report the most advantageous spot.

A post, established between Suffolk and Wilmington (once a fortnight) was continued for one year.

The governor was authorized to apply the surplus of the sum of twelve thousand pounds, appropriated at the September session of the legislature, in 1754, to the raising and subsistence of the troops, destined for the service of the province of Virginia, and out of the sum of eight thousand pounds, granted at the following session, for the defence of the frontiers, to make up any deficiency that might happen in the sum of ten thousand pounds, granted at the last session, and promised to make further provision, at the next meeting, if necessary.

Governor Glen, of South Carolina, began to establish forts in the country lately acquired from the Cherokees, On the banks of the river Savannah, and at the distance of about three hundred miles from Charleston, he erected Fort Prince George, within gun shot of an Indian town called Keoovee. It was square, and had an earthen rampart about six feet high, on which stockades were fixed, a ditch and a natural glacis on two sides, with bastions at the angles, on each of which four cannons

were mounted: It contained barracks for four hundred men. About one hundred and seventy miles down the river, was built Fort Moore, on a much smaller scale. Andrew Lewis was sent, by the earl of Loudon, to build another fort on Tennessee river, on the southern bank, at the highest point of the navigation, opposite to the spot, on which Tellico block house has since been placed, about thirty miles from the present town of Knoxville: the fort was called Fort Loudon. These strong holds, with those of Frederica and Augusta, formed a strong barrier against the Indians, and the protection they afforded, induced the inhabitants to advance towards the western parts of the provinces of North and South Carolina.

Andrew Lewis informed governor Dobbs that, on his arrival at Chota, he had received the kindest usage from Old Hop, the little carpenter, and that the Indians in general expressed their readiness to comply with the late treaty with the Virginia commissioners (Byrd and Randolph). They manifested these disposition while the fort was building; but, when it was finished, and they were pressed to fulfil their engagements and send warriors to Virginia. they equivocated. Andrew Lewis observed, that the French and their Indian allies, the Savannahs, kept a regular correspondence with the Cherokees, especially those of the great town of Tellico. He expressed his opinion, that some scheme was on foot for the distress of the English back settlers, and that the Cherokees greatly inclined to join the French. While he was at Chota, messages had come to the little carpenter, from the Nantowes, the Savannahs, and the French, at the Alabama Fort. He took notice that the objects of the communications were industriously con-

ceased from him, and that a great alteration, in that chief's behaviour towards him, had ensued. In return, towards the latter part of September, a Frenchman who had lived for a considerable time among the Cherokees, accompanied by a Cherokee wench who understood the Shawanees tongue, went from Chota to the Alabama Fort, and to the Savannah Indians. The object of his visit to the French, was to press them for the accomplishment of a promise the commander of the fort had made, to send and have a fort built among the Cherokees, near the town of Great Tellico. The communication concluded by observing, that the Indians had expressed a wish that captain Dennie, sent by the earl of Loudon, with a corps of two hundred men to garrison the fort, might return to Virginia, the Indians being displeased at seeing such a large number of white people, well armed, among them, expressing a belief, that their intention was to destroy any small force that might be sent, in order to take the fort and surrender it to the French.

On this information, captain Hugh Waddle was sent with a small force to reinforce captain Dennie.

In the month of January, governor Dobbs went to Philadelphia to attend a council, composed of the governors of the southern provinces, called thither by the earl of Loudon, in order to concert measures for their protection while the commander in chief would carry on more important operations in the northern provinces.

Preparations had been early made, for an expedition against Louisbourg. A general embargo was laid in the beginning of March, on all vessels throughout the provinces, from Nova Scotia to North Carolina: it continued until June. The object of it was to procure shipping for the transportation of soldiers, provisions,

stores, artillery, &c. Four hundred and fifty men, of the first battalion of American royalists, were ordered to South Carolina, under colonel Bouquet.

In the latter part of June, the transports sailed from the different provinces to Halifax: they carried about six hundred regular troops. In their passage, they escaped being taken by a French fleet, which had been cruising about five days before, near the mouth of the harbor. Five weeks were spent, at Halifax, in holding councils. The result of these deliberations was the determination of laying aside the expedition against Louisbourg. In the meanwhile, the marquis de Montcalm, availing himself of lord Loudon's absence, proceeded to Crown Point, with about ten thousand men, consisting of regular troops, Canadians and Indians, from whence he marched to Fort William. Having, after a siege of five or six days, taken and demolished it, he made the garrison, which consisted of about two thousand men, prisoners of war, made himself master of a large quantity of provisions and stores, and secured the entire possession of the lakes.

Some time after his return from Philadelphia, governor Dobbs received an application for succour, from the province of South Carolina. Governor Lyttleton informed him that the neighboring Indians, excited by the French, grew daily more troublesome, and the colony found itself unable to resist them without aid. The legislature was, thereupon, convened: they held their fourth session at Newbern, on the 16th of May. An aid was granted to the king, for the relief of the sister provinces and for the defence of the frontiers.

Parliament, this year, at the king's recommendation, granted a sum of fifty thousand pounds sterling, to the

provinces of Virginia, North and South Carolina, as an indemnification from the expenses of war. The proportion of North Carolina was three fourths of fifteen thousand dollars.

The general assembly held its fifth session at Newbern, on the 20th of November. Governor Dobbs observed, that the affairs of Europe, Great Britain and the American provinces, were now in a most critical situation, by means of a most unnatural alliance, entered into between the houses of Austria and France, into which they had drawn the empress of Russia, against the only protestant power of Germany, who could support its civil and religious liberties: he said the king's German dominions were overrun by a superior French army, and, consequently, the protestant interest of Germany and the rest of Europe was in the greatest danger; and all the forces the king had been able to spare, for the relief of his American provinces, had not been sufficient to dislodge the French, from their encroachments on the frontiers of the British dominions, in America.

He informed the houses of the late parliamentary grant, and of the arrival of the artillery and ordnance stores for Fort Johnston, and hoped that these instances of the king's paternal goodness might animate them to contribute with zeal, to the support of the expenses of the war.

He drew their attention to an evasion of the clergy law; common in many counties. The inhabitants combining to elect such vestrymen as they knew would refuse to act; he noticed the great defects in the inspection laws.

An act was passed, granting an aid to the king, for the subsistence of the troops, necessary to be kept for the

defence of the province, and for keeping up the fortifications on the sea shore. Authority was given to Edmund Atkins, who had lately been appointed by the king, superintendant of Indian affairs, to regulate the Indian trade, with a view to unite the tribes in alliance with the British, and strengthen their attachment, some trifling amendments were made in the inspection laws; but the governor's recommendations in regard to the vestry act was entirely disregarded.

At the close of this year, the affairs of Great Britain in America, bore a gloomier aspect than at any other period. The success of the French arms on the lakes, and the untoward issue of the late expedition against Fort Duquesne, left them the almost undisturbed possession of the Indian country, and consequently, an absolute influence over most of the tribes. The British, on the contrary, were confined to a relatively narrow slip of land, between the Allegheny and the Atlantic.

Early in the following year, a circular letter from the new minister, William Pitt, assured the governors of the American provinces, that, in order to repair the losses and disappointments of the late inactive campaign, it had been determined to send a formidable force, by sea and land, against the French in America; and he called on them to raise and procure as large bodies of men, within their respective governments, as the number of inhabitants might allow. Arms, ammunition, tents, provisions and boats, would, he said, be furnished by the crown; but it was expected the provinces would clothe and pay their men. Assurances were held out of a recommendation to parliament, to indemnify the colonies.

Accordingly, admiral Boscawen arrived early in the spring at Halifax, with a formidable fleet and about twelve thousand chosen troops, under the order of Sir Jeffrey Amherst. The command of the British forces in America, on the departure of lord Loudon, had devolved on general Abercrombie, who when joined by Sir Jeffrey, found himself at the head of the most powerful army ever seen in the new world. His whole number, comprehending troops of every description, was fifty-two thousand, two thirds of whom were Americans.

Three expeditions were proposed for this year, one against Louisburg, another against Ticonderoga and the last against fort Duquesne.

This was the one in which the southern provinces felt a principal, because of a more immediate interest. Their exertions were commensurate with it.

The legislature that sat at Newbern on the 28th of April, granted an aid to the king, for augmenting the troops, then in the pay of the province, to be sent to reinforce the army which was under the command of general Forbes, to march against fort Duquesne, to pay them while in that service, and for placing garrisons in the forts of the province.

The town of Hartford, in the county of Perquimans, was established this year.

The season requiring the labors of the husbandman, the legislature rose soon after passing the aid bill.

On the 8th of July, general Abercrombie attacked the French entrenchment at Ticonderoga, near lake George, but after a desperate push, he was

obliged to retire with great loss to his old camp on lake George, to avoid a total defeat.

Admiral Boscawen and Sir Jeffrey Amherst were more fortunate, and about the same time reduced the fortress of Louisbourg and soon after conquered the whole island of Cape Breton.

On the 27th of August, colonel Bradstreet took fort Frontenac and destroyed provisions and ammunition to a vast amount. He sunk seven vessels on the lake, took two and burnt the fort to the ground.

The general assembly held its seventh session in the town of Edenton, on the 23d of November. After acquainting them with the late successes of the king's arms, governor Dobbs impressed on their attention the necessity of protecting the sea coast; privateers often coming in, cutting out vessels from their moorings and sometimes even insulting the plantations near the shore; he also recommended objects of domestic concerns.

In compliance with the governor's recommendation, an aid was granted to the king for the support of the establishments of fort Johnson and fort Granville.

On the report of a committee of the two houses, appointed to view the country near Neuse river, and report the most eligible spot for the seat of the government of the province, an act was passed for establishing a city to be called Tower Hill, on a plantation belonging to governor Dobbs, on Cotteney creek, near the spot on which the court house of the county of Greene now stands. A governor's house and such buildings as the service of the pro-

vince required were directed to be built there. The new city was declared the seat of the government of the province; but the operation of the act was suspended till the king's pleasure was known.

The superior court for the counties of Edgecombe, Granville and North Hampton was removed from Enfield to the town of Halifax.

The counties of Edgecombe and Johnston were divided, and the western part of the latter was erected into a new county, which, in honor of the governor, was called Dobbs; and the northern part of the former into another, to which the name of Halifax was given; and a town was erected on the east side of Little river, in the county of Pasquotank, which was named Nixonton, after the owner of the soil.

Soon after the rise of the legislative body, accounts reached the province from general Forbes, to whom the conduct of the expedition against fort Duquesne had been entrusted, that he had marched as early as the month of July, with the main body of his army. The delays in procuring the reinforcements from the different provinces, and the difficulties, opposed by the ruggedness of the country, were so great, that the general did not reach fort Duquesne untill the month of November. His force was eight thousand men. Alarmed at the approach of so formidable an army, the garrison, deserted by the Indians, abandoned the fort the evening before the general reached it, and escaped down the Ohio.

The British changed its name, calling it fort Pitt, in honor of a favorite minister. The occupation of this post was an object of vast moment to the Brit-

ish, and the southern provinces contemplated in it the guarantee of their future security. It had enabled the enemy to command the numerous nations of Indians, dwelling along the Mississippi, and with them they made frequent incursions on the western settlements of the colonies. The Indians, who generally side with the stronger party, observing the defection of their former allies, were found ready to accept the protection of the combined forces; the opportunity was improved and a treaty entered into with the nations between the Ohio and the lakes.

The joy, which the reduction of fort Duquesne excited in North Carolina, was not, however, of long duration: the flight of the French southwardly disappointed the hopes of security, which the success of general Forbes had created. The scene of action was only changed and brought nearer; and while danger ceased to be apprehended from the northern Indians, the Cherokees and their neighbors began to excite the fears of the inhabitants of the western counties.

These Indians had uniformly assisted the British in their different attempts against the French, in compliance with the stipulations of treaties. The horses, in this part of America, running wild in the woods, were considered as the property of the first captor: and while the Cherokees returned home, after having left the army of general Forbes, a number of them, having been dismounted, seized such of those animals as they found on their way through the back settlements of Virginia. The injury was vindicated by arms, before any attempt was made to redress it by less violent means. Twelve or four-

teen of the Indian warriors were killed and a greater number made prisoners. It is not surprising that the Cherokees, among whom rules of property are not very accurately defined, should have been greatly provoked by a treatment which, cruel as it would have been under different circumstances, was aggravated by that of its being committed against men, many of whom had suffered, been wounded, and lost several of their relations and friends in the defence of the aggressors. Some of the Indians reached their towns, besmeared with blood, and when they informed their friends they had been wounded by their white allies, who had murdered their companions, indignation rose to its highest pitch. The relations of the dead and the wounded ran furiously about, supplicating their countrymen to follow and assist them in avenging their wrongs. In vain the aged chiefs endeavored to prevail on the young warriors to delay the hour of satisfaction, till it could be ascertained whether the governor of Virginia would not afford it, at their solicitation. The nation excited to hostility by the arrival of a number of French soldiers, who were plentifully supplied with spirituous liquors and who eagerly improved this golden opportunity of spurring on the Indians to vengeance, prevented the old chiefs' advice from being listened to; supplied with arms and ammunition by their new guests, scattered parties of Indians marched to the frontiers of Virginia, North and South Carolina.

The first blow was struck in the neighborhood of fort Loudon. Soldiers of that garrison, who had been securely hunting in the woods around the fort, were found murdered. The unrelenting foe proceeded along the border of the back settlements of the whites, dealing,

indiscriminately, destruction and death among the old and young, the softer sex, the innocent and guilty.

Scenes of disorder, though of a less bloody kind, disturbed the interior part of North Carolina. Some of the inhabitants of that portion of the province, the lands of which had been allotted to lord Granville, believing themselves injured by the conduct of Francis Corbin, his agent, embodied themselves, and marched in great disorder and tumult through several counties, ill treating those who refused to join or supply them with provisions, came to the town of Edenton and forcibly took the man from his house, and, in spite of the representations of the decent and orderly part of their fellow-citizens, triumphantly led their prisoner away. After a march of about seventy miles, they permitted him to return, on his giving bond for his future better behavior.

On the 8th of May, the legislature met at Newbern: no business of a public nature was completed, and the houses were prorogued after passing two private acts.

In the month of July, Sir William Johnston took the fort at Niagara, having defeated a large body of French troops, who had come to its relief, and soon after Sir Jeffrey Amherst possessed himself of Ticonderoga; the enemy having abandoned their lines on his approach and set fire to the fort. Crown Point also fell into his hands.

On the 17th of September, the city of Quebec surrendered to the British arms, after a very obstinate siege, during which, general Wolfe and Monsieur de Montcalm, the commanders of the two armies, lost their lives.

In the month of August, the court laws, passed in December 1754, were repealed by proclamation.

The ninth session of the assembly, called by governor Dobbs on his arrival in the province, was held in the town of Wilmington, on the 20th of November. In meeting the houses governor Dobbs observed, that the late success of the king's arms rendered any supply for the aid of the northern provinces unnecessary, but as the war would probably be continued, until a safe and honorable peace was obtained, by driving the French from the continent and ruining their marine, forces were necessary to check the unruly behaviour of the Cherokees; he recommended that the two companies of foot, in pay of the province, should be placed in the service of the fortifications.

He lamented the great depreciation of the currency, which was received at a nominal discount of 33 1-3 per cent. while the real one was from 70 to 90 per cent. in sterling money. This evil, if not early remedied, he said, would soon put an end to the credit of the province and be the ruin of its trade.

He recommended the passage of a court law; those which had been in force since his arrival in the province having lately been repealed by order of the king in council.

By a subsequent message, he drew their attention to a defect in the militia law, which had lately proved of great inconvenience: the detachment of the militia which had been ordered against the Cherokees, unde, colonel Waddle, having refused to proceed against them, on the pretext that the colonel was leading them out of the limits of the province.

A new court system was introduced: it provided for the establishment of a court of king's bench and common pleas: the bill passed the lower house, on its third

reading : in the upper, several amendments were insisted on ; it was required, that a clause, which forbade the chief justice to receive any part of the fees of the clerks, be expunged, as derogatory of the honor of that officer, as well as a clause for borrowing from the sinking fund a sufficient sum to discharge the salaries of the associate justices and attorney general. This produced a message from the lower house, in which they observed that the practice which had hitherto prevailed, of the chief justice exacting from the clerks a considerable proportion of their legal fees, had been the cause of their being guilty of great extortions, whereby the superior courts had become scenes of oppression, and the conduct of the chief justice and clerks a subject of universal complaint : they admitted, that the late chief justice, Peter Henly (whose death was lamented by all who wished to see the hand of government strengthened, the laws duly executed, and justice impartially administered) from a pious sense of the obligations of his oath, had conformed to the act of 1748, for regulating officers' fees, but they thought themselves bound in duty to their constituents to provide against the pernicious effects of a contrary conduct : they expressed their hope, that the new chief justice (Charles Berry) would think his predecessor's laudable conduct in this respect worthy of imitation, and, in that expectation, were willing to leave him, in this regard, in the same situation as chief justice Henly had been. As to the money proposed to be borrowed out of the sinking fund, they observed, that the contingent fund was upwards of two thousand pounds in arrears, and as no method appeared more eligible, they offered to advance the sum upon the tax by which the money was to be replaced. The upper house per-

sisted in their proposition to strike out the clause for the loan, and that the salaries should be paid by a tax, to commence in the following year. The lower house replied, that the salaries were not the only object of the loan; that to oblige the creditors of the province to wait until money was collected by a tax, would be an injurious treatment, which would sensibly affect its credit: they added, that the measure was adopted in conformity to several precedents on similar occasions, particularly the one first proposed and afterwards insisted on by the upper house, where two thousand eight hundred pounds were applied to the chief justice's salary, that of the attorney general and other contingencies, to be replaced in four years by a tax, when the very law under which the money was signed, expressly provided it should not circulate for any use whatever, until the king's pleasure was known: notwithstanding which, the lower house had been so careful, to avoid every valid objection against a bill of such importance to the province, that they had forborne to insert the clause, relating to the application from the sinking fund, until they had ascertained, that it was not contrary to the king's instructions. They lamented being reduced to the disagreeable necessity of framing bills to supply the place of the valuable laws which had been lately repealed, through misrepresentations, originating in interested views, ever incompatible with the public good: they reminded the upper house, that the salaries of the chief justice and attorney general were at first intended by the legislature, as matters of mere compliment, at a time, when the province was in a prosperous situation: they added, that as no other expedient could be found at the present junct-

ture to defray that expense, should the upper house reject the bill on that account, care must be taken in framing another court bill, not to insert any clause, however necessary, that may introduce the least charge on the province; and concluded with a hope, that if the bill miscarried, the most sincere endeavors of the lower house would be accepted, by their unhappy constituents, in lieu of the valuable advantages which the bill was calculated to produce.

The upper house continued to insist on the clause being struck out, as the breaking in upon the sinking fund would give a deadly blow to public faith, and pressed the assembly to weigh the fatal consequences that would attend the rejection of the bill.

In their second message, the lower house admitted the impropriety of an application from the sinking fund, which necessity did not imperiously call for, but they declared it impracticable, without it, to pay the debts of the province, or to attain the valuable ends, intended by the bill. As the sum, intended to be borrowed, did not exceed two thousand five hundred pounds, and was to be replaced by a tax which would commence in 1763, the currency of the province would not be depreciated, nor any individual prejudiced. They concluded by observing, that on the most mature consideration of the message of the upper house, such were the sentiments of the lower, from which they could not depart, and referred it to the consideration of that body, whether the public good would not be better promoted by the passage, than by the rejection of the bill.

The upper house voted that the bill be rejected, unless the lower house would on the next day signify their consent, that the clause should be stricken out.

On being informed of the provisional fate of the bill, the lower house replied, that rather than to see the province reduced to the confusion and disorder which the want of courts must necessarily introduce, they would agree to expunge the clause, and with it such parts of the bill as allowed salaries to the chief justice, his associates and the attorney general, which appeared to them a necessary consequence of the clause, objected to.

On reading this last message, the upper house rejected the bill absolutely.

An attempt was made in the lower house to pass a bill for an emission of paper money, but the governor communicated to them an article of his instructions, which required him to withhold his assent from any bill for the emission of paper money, unless it contained a clause, that neither the bills proposed to be emitted, nor those hitherto issued, should be a legal tender.

An aid was granted to the king for the subsistence of the troops and militia now in the pay of the province ; it was directed to be paid out of the fund, heretofore appropriated for the purchase of glebes and the establishment of schools, the king not having signified his pleasure on that appropriation.

Parts of the counties of North Hampton and Chowan were erected into a separate county, to which the name of Hereford was given.

The province rapidly increased in population, and although its prosperity was considerably checked by the great exertions which were required from it for the support of the war ; yet, as it was exempt from the ravages of the enemy within its own limits, except on its western border, it extended its agriculture and increased its trade. The culture of tobacco had been successfully at-

tended to in the middle counties, and inspection and ware houses for that commodity were now established on the river Neuse and its branches.

The commerce of the ports on Neuse and Pamlico, having more to apprehend from the difficult navigation of those rivers, than from any immediate attack from the enemy, against which it was protected by a kind of natural fortification, the powder and lead duty, hitherto collected in kind, was directed to be received in money, and the proceeds of it applied to the erection of beacons and the stakeage of the channels of those streams. A similar provision was soon after made for the improvement of the navigation from Howard's bay to Bear inlet, in the county of Onslow. Extensive new roads were laid out in the interior part of the province, and attention paid to the erection and improvement of the public buildings in the counties.

A tract of land, in the county of Orange, one of the westernmost, had been laid off by an individual, W. Churton, on Enoe, one of the branches of Neuse river, on which a number of houses had been built. The healthiness of the spot and its convenient situation for an inland trade, induced the legislature to give to the establishment, the sanction of its authority. It was called Childsburg, in honor of Thomas Childs, the attorney general of the province, a gentleman of considerable ability and influence. The name was afterwards altered to Hillsborough, either from the hilliness of the ground, or in compliment to Wells, earl of Hillsborough, the secretary of state for America.

A bill passed both houses for the appointment of an agent, to solicit the affairs of the province in England: the governor withheld his assent from it.

On the 9th of January, governor Dobbs dissolved the assembly, complaining, in a speech of which a copy was refused to the speaker of the lower house, of their backwardness in framing an acceptable court system, and laws to compel sheriffs to account for public moneys, and assigning as one of the causes of the dissolution, the long time the assembly had existed; nearly six years.

Governor Lyttleton, of South Carolina, on the first account of the irruptions of the Cherokees, on the borders of the southern provinces, had embodied a considerable portion of the militia of his province, and determined on marching into the Indian towns and chastising the savages. While he was making his preparations for that purpose, thirty-two Cherokee chiefs came to Charleston, with a view to represent to the governor, that the nation did not support the warriors who had committed acts of violence upon the whites; that the chiefs had in vain attempted to restrain their young men, and were willing that satisfaction should be made, for these outrages, which the body of their nation reprov'd. The governor refused to listen to these overtures of peace and set out for Congaree, a place at the distance of about forty miles from Charleston, which he had appointed for the general rendezvous of the militia. The Cherokee chiefs were induced to accompany the governor thither. He had represented to them, that, although he was determined on marching into their country, as they had come to him as ambassadors of peace, he would see that they returned unhurt, into their towns; but, as the whites were much exasperated, he could not answer for the treatment the chiefs might receive, if they exposed themselves alone to their resentment. The

Indians marched to Congaree, apparently satisfied; but in reality, chagrined and vexed, at the manner in which their unfeigned attempts to conciliate differences, had been received. On his arrival at Congaree, governor Lyttleton confined the thirty-two Indian chiefs, as prisoners of war; and when the army marched, a captain's guard was mounted over them, on the way; they were made to accompany the army to Fort Prince George, and on their arrival there, were confined in a miserable hut, scarcely sufficient for the accommodation of six soldiers. Shortly after, the governor concluded a treaty of peace, with six of the headmen of the Cherokee nation, by which it was agreed, that the Indians, in his possession, should be kept as hostages, confined in the fort, until an equal number of the Indians, guilty of murder, should be delivered up to him; that trade should, in the meanwhile, be opened and carried on as usual: that the Cherokees should kill or make every Frenchman prisoner, who should presume to come into their nation, during the continuance of the war; and that they should hold no intercourse with any of the enemies of Great Britain, but should apprehend any person, white or red, found among them, that might be endeavoring to set the English and Cherokees at variance.

Early in the year, governor Dobbs received despatches from Mr. Pitt, informing him, that the king had resolved to exert the whole force of Great Britain and her colonies, to finish the war in the ensuing campaign, and instructing him to use his utmost influence with the legislature, to induce them to raise, with the utmost despatch, as many men as the province could spare.

Writs of election were accordingly issued, and the legislative body was summoned to meet at Newbern,

on the 24th of April. In the county of Orange, a number of disorderly persons rose in arms, and, in a violent and riotous manner, prevented the sheriff from holding an election. The inhabitants of the town of Halifax, claiming the right of being represented in the lower house, under the act of 1715, and governor Dobbs refusing to grant them a charter, prevailed on the sheriff of the county to hold an election, and to return Stephen Dewey, the person whom they chose. He was suffered to take his seat.

In opening the session, the governor expressed the pleasure he felt in meeting a new assembly, and his hope, that the great and surprising success of the king's arms, and the distress and ruin of the trade and marine of France, in which the assistance of Divine Providence, was eminently displayed in the defence of the Protestant religion and the cause of liberty, would induce them to use their utmost power, in conjunction with the king's forces from Europe, to drive the French from all unjust acquisitions on the continent, and procure ample security, from the invasions and depredations of the French and Indians:

He recommended the earliest attention to a court system, and the appointment of an agent in England, by a special bill.

The lower house, in their answer, animadverted on the speeches of the governor to the last assembly, at the prorogation and dissolution. They observed, that the bill framed by the house had no other object, than the grant of an aid to the king, and the appointment of an agent, as recommended by Mr. Pitt; and in no other instance, had he, or any of his predecessors, taken any exception at the manner in which a bill of supplies

was framed. In reply to the speech at the dissolution, they took notice, that the treasurers were, by law, to account with the assembly: and the constant practice had been, for them to do so before a committee appointed by the house, who re-examined the accounts on the report of their committee. With regard to the sheriffs, they admitted that they had observed several deficiencies in their collections; but, they added, that, in the confused state of the province, from the turbulent disposition of factions, cabals and dangerous insurrections, it could not, with reason, be supposed, that sheriffs, more than magistrates or other officers, could fully discharge their functions; an inconvenience which they hoped would be removed, by the establishment of courts of justice on a respectable footing. They concluded, by assuring him, that those observations were dictated by their duty to their constituents, and not by a desire of raising disputes with him.

The governor replied, that he had laid before the house the accounts lately forwarded from New York, of the sums, issued for the troops sent to that province, and the officers who served on the Ohio were ready to account for the sums they had received. He said no money had passed through his hands; he had only issued orders, which the persons in whose favor they were had to account for.

He said the loss of the aid bill was to be attributed to the clause, foreign to the object of it, which the house had insisted on inserting.

He added, that in regard to the accounts of the treasurers, he had strictly pursued his instructions, which required him to see them properly audited, laid before the legislature, and afterwards transmitted to England:

that, if the king thought proper to withdraw his instruction, he would gladly acquiesce : but he had thought it his duty to inform the house, that the accounts were irregular, as no list of taxables were produced by the treasurer for the northern district, nor any arrear returned, so that it could not appear what was the amount of the tax, nor whether the deficiency was occasioned by the sheriffs, or the neglect of the treasurers.

The house passed a resolve, asserting their indubitable right to frame and model every bill wherein an aid is granted to the king, in such a manner, as they believe most conducive to his service, honor and interest, and declaring every attempt to deprive them of the enjoyment of that right, an infringement on their rights and privileges.

By another resolution, they declared the mode, observed by the treasurers in stating the accounts exhibited at the last session, agreeable to the laws of the province and conformable to constant and uninterrupted usage, and the method proposed by the governor, unprecedented and repugnant to law.

The houses gave their first attention to the passage of bills for establishing courts of law, which had three readings in each.

By these acts, the courts of judicature, constituted and the regulations made for the administration of justice, by the acts of 1754-5, which were repealed by the late order of the king in council, were re-established with some alterations and additions, in respect to the qualifications of the judges of the superior court, the duration of their commissions and the jurisdiction of the inferior or county court.

The superior court act divided the province into five districts, and appointed courts to be held in each of them semi-annually, by the chief justice and his associate judges, to whom jurisdiction was given in all civil cases, where the demand exceeded ten pounds, and also in all criminal cases, from the highest treason to the lowest trespass.

It was provided, that no person should be appointed an associate justice of the superior court, unless he had been regularly called to the degree of an outer barrister, in some of the English inns of courts, be of five years' standing, and had practiced law in the principal courts of judicature of the province: the commissions of the judges were to be during good behaviour.

The county court act gave the justices jurisdiction of all civil actions to the extent of fifty pounds, and in cases of filial portion, legacies, distribution of intestates' estates, guardianship, the care of orphans and their estates, to any amount.

The acts varied in so little a degree from those which had lately been repealed, that the lower house were under just apprehensions, that the governor's assent to them would not be easily obtained: they therefore represented to him in an address, that as the bills for restoring the courts of judicature, and, through them, life to government and the rights and liberties of the people, appeared to be of such vast importance, they had thought it their duty to give them the preference over all other objects, and they had been despatched with unexampled unanimity and concurrence in both houses, and hoped their operation and excellence would distinguish the wisdom and justice of the legislature.

They urged, that the extreme solicitude of the people for such laws, and their own experience of the great mischiefs which had resulted from a long interval of licentiousness, called on them to beseech him to give the acts his immediate assent, not only that a proper foundation might be laid for rendering so great a satisfaction to the people, but to warrant the house in proceeding to the despatch of other important matters.

They added, they were thus eager to obtain his early assent to those laws, from a desire to proceed to frame a further remonstrance to the king, to show the expediency of their deviation, in some articles, from what may have been considered his directions in framing the bills.

The house strengthened their importunity by an assurance, that they would exert every practicable endeavour to demonstrate the strictness of their attention to the general objects which he had, so powerfully, recommended at the opening of the session.

When this address was presented to the governor, he replied, that it was of an unusual and unprecedented nature, and he would consult gentlemen more conversant than himself in those affairs.

The governor discovered, by the manner in which he was pressed to give his assent to these bills, that the house intended to regulate their conduct by his, and if he rejected the bills, there was little probability of their paying much attention to his other recommendations. The bills were liable to all the objections, which had caused the repeal of those they were intended to replace ; nay, they were more at variance with the instructions of the crown.

The clause, defining the qualifications of the judges, was an unconstitutional restraint on the king's preroga-

tive, almost precluding the appointment of any person from England ; and he had reason to believe, it was intended to compel him to appoint three particular persons, to whom the qualifications were peculiarly adapted. The clause, defining the nature of the tenure by which the associate judges were to hold their offices, considered abstractly, was at variance with the principle of keeping all great colonial officers under a strict subordination to and dependence on the crown : but the irregularity of it was the more striking, in relation to the tenure by which the chief justice, who was to preside in those courts, held his office ; this officer, chosen by the king, being only appointed during the king's pleasure.

The jurisdiction of the county courts was extended to fifty pounds, while it had been complained, that in the repealed bill it had been raised to forty. When the ability of the colonists was considered, causes of that value were viewed in England as of too great consequence and importance to be determined in those courts, in regard to the qualification and abilities of the persons who composed them. There was a still greater absurdity, in restraining the jurisdiction of these courts, in common actions at law to a limited value, and giving them unlimited jurisdiction in cases of a more delicate nature.

The governors of the American provinces, by a standing article of their instructions, were inhibited from giving their assent to any bill of an extraordinary nature, affecting the property of the king's subjects or the trade and commerce of the colonies, without having first transmitted a copy of it for the king's consideration, unless with a clause, suspending the operation of the bill till the king's pleasure was known : and the ministers in Eng-

land were inclined to extend, rather than restrain, the sense of this instruction.

Perplexed at his situation, governor Dobbs sought a cloak for his conduct, in procuring the sanction of the advice of the chief justice and attorney general, who were required to declare in writing, whether it was expedient to assent to these bills.

Chief justice Berry, who was in England and had been spoken to, when the repealed laws were before the king's council, answered, that as the superior court bill provided competent salaries for the associate justices, so as to make it worth the attention of persons of skill and learning in the law to accept the offices, whereby, notwithstanding the expensiveness of the circuits, the causes depending in the superior courts might now, without delay, receive proper determinations, the chief reason for repealing the superior court act, passed in 1754, was thereby obviated; and the attorney general, Thomas Childs, contented himself with observing, that the desperate situation of affairs required the governor's assent.

The general expressions, in which those gentlemen couched their advice, did not authorize the belief that it would sanction the step, and the governor determined on temporising, at least till the passage of the aid bill.

In a message to the lower house, on the following day, he expressed the greatest concern that, at any time, he should be compelled to resist the request of the house, and more particularly, at the present important juncture, when they were summoned to meet, by the king's order, to give him an aid of men. He lamented, that the consideration of the king's request, which ought to have been the first object of the attention of

the legislature, had been postponed for above three weeks, to give way to laws relating only to the interior concerns of the province.

He observed that it was his duty, in common decency and respect to the crown, to give the precedency to an aid bill, over any other; that it had been the uninterrupted usage of the houses of commons of Great Britain and Ireland, since the happy establishment of their constitutions and liberties, by the revolution in 1688, to offer the aid bill to the royal assent before any other; and he found this to be the practice in the province, where all the bills were offered together, except in a single instance, at the last session, in passing the militia bill, which might be considered as an aid bill, since it authorized the king to march the militia out of the province.

He concluded by saying, it could not be very material if the bills, now waiting for his assent, were postponed for a day or more, and expressed his hope, from the zeal which the house had always manifested to enable the king to drive a cruel enemy from the continent; that if the aid bill was not passed before, it would at least go hand in hand with the others, especially as a delay in raising and disciplining the forces might defeat the king's views.

The house replied, that they could not concur with him in the idea that the court bills, though relating to the interior concerns of the province, were of so light importance. When they considered how many licentious, disaffected and evil disposed persons had, for many months past, assembled in different parts of the country, entered into mutinous and dangerous conspiracies, broken open the jails, and while they forcibly rescued malefactors, restrained the liberty of innocent persons,

without any measure being taken to suppress these outrages; they deemed it a matter of the utmost importance, that court laws might be immediately passed, to strengthen the hands of government and enable it to check these disorders.

They added, that they apprehended that, according to the usage and custom of the British parliament, the commons were at liberty to offer the bills they passed for the royal assent, at any time they thought proper, and were governed in this respect by particular circumstances and the emergency of the times.

Having at all periods manifested their loyalty to the king and their zeal for his service, by granting every aid of money and men which the governor had asked, even to the impoverishment of their constituents, and being still ready to risk their lives and properties, to join in defence of the king's rights and possessions, they had now an aid bill before them, which, as well as several others under consideration, had such an intimate connexion with, and dependence on, the court bills, that they could not operate till the latter were passed into laws, they felt it their indispensable duty to give them the precedence.

They concluded with a hope, that the governor would immediately give his assent, and thereby afford protection and security to the lives and property of their constituents.

The governor replied, that finding the house, misled by some of the king's servants, were determined to proceed on no business until they knew the fate of the court bills, it became his duty to inform

them, that those self interested gentlemen, who had procured the repeal of the former court laws and had carried the present bills through the houses, were the cause of the delay in their passage, as well as that of the aid bill; having procured to be inserted, an unnecessary clause, diminishing the king's prerogative, and, with a view to serve their own ends, placed the chief magistrate in the unpleasant dilemma of betraying his trust and disobeying the king's orders and instructions, by granting his assent, or seeing a flame raised against his administration, if he withheld it: a flame which, one of those gentlemen had already raised, contrary to his duty to the crown, in order to throw off the merited blame of having procured the repeal of the former bills, by his artful recommendations and representations; while he now sought to have them re-enacted with supplementary clauses, contrary to the king's instructions.

As to the great tumults and riots, which were mentioned, as causes for the immediate passage of the bills, he observed, that during the period of eight months, since which, the repeal of the court laws had been promulgated, no application had been made to him for a commission of oyer and terminer, which would have answered the pretended purpose; if the court laws were indispensable, unexceptionable bills should have been offered him; and the house might have known on application in what parts they were repugnant to the king's orders and instructions, which might have been done, and the bills ratified early in the session.

He informed the house that he could not pass the bills, unless the exceptionable clauses were expunged, or a clause was inserted suspending the operations of the laws until the king's pleasure was known. He laid before them the clauses in the king's instructions which forbade his assent, in their present shape, to the bills, and concluded by observing, that after the aid bill and such other bills as were ready, were passed, he would prorogue the legislature for a day, to give them the opportunity, in a new session, to model the bills in such a manner, as might allow him to pass them into laws.

The house went into a committee of the whole on the distressed state of the province and the governor's last message. They closed their doors and laid themselves under an injunction of secrecy, under pain of expulsion. The committee reported a string of resolutions, containing their complaints against governor Dobbs; they were recapitulated in an address to the king, which the house approved of.

After the usual expressions of loyalty and fidelity to the person and family of the king, this paper states, that no consideration less than the prospect of total ruin, from undue exertions of power and internal commotion in his distressed province, could have induced the house to trouble his royal ear: but that, when by the injudicious and partial appointment of justices, unqualified for the trust, and the removal of others, liable to no objection, magistracy had fallen into contempt, and courts lost their influence and dignity; when rioters were permitted to assemble in several parts of the province, erect

sham judicatures, imprison the peaceable subjects of the king, break open jails, release malefactors with impunity; when the authors of these outrages were countenanced by the governor and honored with commissions as justices and militia officers; when citizens had received corporal punishment by the arbitrary mandates and private orders of judges still continued in office; when illegal and arbitrary pecuniary claims were enforced for the use of the governor and secretary; when the forms of writs of elections had been arbitrarily altered and diversified, to have particular men chosen and defeat the elections of others: some writs directing the freeholders, other the inhabitants generally, to choose; by which last form, servants and even convicts might be admitted to the polls, whereas, by king Charles' charter, laws were directed to be made by the assent of freemen and their delegates; when a writ had been issued to one county for fewer members, than they had used and ought to send, and to another none at all, till several bills had passed: by which practices it remained no longer a secret, that the governor intended to model the assembly for his own particular purposes, as he had before reformed the council by suspensions and new appointments; when insulted by blood thirsty savages on the exterior settlements, and in no less danger of falling a prey to internal enemies, the people of the province could only resort to their sovereign for succour, as the fountain from whence justice and protection flow to his most distant subjects.

The facts thus enumerated, are represented as far from forming a complete catalogue of the sufferings

of the inhabitants of the province, who, nevertheless, have, with great cheerfulness and alacrity, embraced every opportunity of testifying their zeal and loyalty to the king, and exerted their utmost efforts in the maintenance of his rights.

The house expressed their concern, that in the application of the several aids, which had been under the governor's directions, less regard had been paid to the useful purposes, intended by the legislature, than to enriching his particular friends and favorites; military commissions having been granted to persons of little or no weight in the province, whereby the raising of recruits had been delayed and the service injured.

They lamented, that it had been the particular misfortune of the province, that, by the governor's decisive influence on the council, the assembly had hitherto been prevented from appointing an agent, to represent their dutiful affection to the king and solicit the provincial affairs at the public boards in England; and that, at the session of the legislature, in May, 1759, provision had been made for such an appointment; but the bill was peremptorily rejected by the upper house, who assigned no reason; and the governor, thereupon, prorogued the legislature, bitterly reproving the lower house, for presuming to insert a clause for the appointment of an agent, in an aid bill, although such bills, with clauses as little analagous to the aid, had, without the least exception, been before passed in his administration; and it was notorious, that the true reason for the rejection of the bill by the upper house, and the governor's displeasure, was, the agency had not been given, by the lower house, to one Smith, his attorney in London. So that the aid,

intended by the king's dutiful subjects, recommended by the minister, had been postponed to gratify partial views and private interest, while the motive was veiled with feigned objections and subtile refinement, never before offered to an assembly.

In concluding, the house observed, that they refrained from mentioning many abuses of power and acts of oppression, other than those which, constrained by the necessity of the times and the despondent situation of the province, they had related; and that nothing less, than the impending prospect of desolation and ruin, could have induced them to remonstrate against the conduct of a governor, to the ease and happiness of whose administration, they had vainly endeavored to contribute; that, for some time, they had remained passive, under the yoke of oppression, unwilling to interrupt the important avocations which necessarily engage their sovereign's attention; but, perceiving themselves on the brink of anarchy and ruin, they, with humility and duty, supplicated his justice for relief.

They charged Anthony Bacon to deliver the address to Mr. Pitt, to be presented to the king, and the speaker was requested to write and send copies of it, to the earls of Granville and Halifax, and the secretary of state.

The thanks of the house were given to the attorney general, for the candid advice he had given the governor to pass the bills.

The house addressed the governor again: they bewailed, that he had suffered his ear to be assailed by designing men, and the evils that flowed from the incompetency of some of the judges he had appointed; and added, that the delays, occasioned by *advisari's* in

causes plain and easy to be understood by lawyers, and the erroneous judgments given by those lay judges, abundantly showed, the necessity of the qualifications required by the upper court bill: they observed, that, not to mention other instances, the corporal punishment, inflicted by order of his nephew, Richard Spaight, one of the judges, on an innocent person, without a trial by jury, contrary to all law, and in violation of the great charter of English liberties, was an unanswerable argument in favor of the proposed amendment, and the pertinacious adherence to the letter of an instruction, in a matter that could not have been in contemplation, at the time it was given, manifested an unreasonable desire to retain the power of appointing judges, for private views and partial ends.

They expressed their concern, that they should differ in sentiment from him, having made it their study to render him easy and happy, and, when their best endeavors for the king's service, and the interest of his subjects, were represented in the most disagreeable light, they could only say, they had the comfort of a good conscience.

In regard to the commissions of oyer and terminer, for the trial of the licentious rioters, who, by their dangerous practices, had disturbed, with impunity, the tranquility of the province, the house apprehended, that, from the general defection in the part of the country in which they committed their outrages, the commissions would have no other effect, than to bring the rage of unruly mobs on those who should act under them; and they expressed their concern, that these mobs increased in number and influence,

by several of their ringleaders being countenanced by the governor, and honored with commissions, as justices of the peace and militia officers.

They concluded, by lamenting, that the chief justice and attorney general should have incurred his displeasure, by giving their candid sentiments, in consequence of his command, on some insnaring questions proposed on extracts of his instructions.

The governor rejected the superior court bill.

An act was passed, establishing county courts, and provision was made for the support of an orthodox clergy.

On the 23d of May, the the legislature was prorogued by proclamation, till the 26th of the same month.

On opening the second session, governor Dobbs informed the houses he had called them together with the view of affording them the opportunity of re-considering the superior court bill, and determining whether any aid was to be granted to the king.

The superior court bill being offered to the governor, with a clause providing, that, if the king did not confirm it within two years from the 10th of November following, it should, from thenceforth, be null and void, received his assent.

The upper house having made an amendment to the aid bill, on its second reading, the lower house resolved, that this was an invasion of their privileges, and an evidence of an intention to disturb the harmony, which ought to subsist between the two branches of the legislature, tending to defeat their dutiful endeavors in granting the aid; but, protesting that the amendment should not, hereafter, be drawn into a precedent, they resolved, that desirous of evincing their loyalty to the king, they would

not reject the bill, and would proceed on it, notwithstanding the unparliamentary proceeding of the upper house.

On the third reading of the bill for appointing an agent, the upper house opposed the appointment of Anthony Bacon, and insisted on the name of some other person being inserted. On the disagreement of the lower house, the bill was rejected.

The lower house then, by a resolve appointed this gentleman, agent of the province for two years, with a salary of two hundred pounds sterling, per year.

The aid bill passed both houses, with a clause, providing for the emission of paper money: it was rejected by the governor, and the legislative body was prorogued.

Chalmers—Marshall—Records.

CHAPTER VI.

THE tranquility which followed the treaty concluded by governor Lyttleton with the Cherokees, was of very short duration: the Indians had been awed into it by the presence of a large force in the middle of their country: the effect subsided with the cause. The treatment which their ambassadors of peace had received in Charleston, their cruel imprisonment in fort Prince George and their subsequent detention, unauthorized by the late treaty, were circumstances which the spirit of the nation could not brook. Oconoota, an influential chief, heading a small party of choice warriors, advanced towards fort Prince George to create or improve an opportunity of relieving his companions from bondage, or wreaking his revenge on those who detained them. Governor Lyttleton, at his departure, had left the command of the fort to captain Coytmere, an officer who was peculiarly obnoxious to Oconoota. This circumstance contributed greatly to inflame the mind of the Indian, offering the double incitement of succouring his friends and destroying his enemy. For a number of days, his endeavours had no other effect, than to compel the garrison to keep within their fort. Stratagem soon effected what the force Oconoota could command was unable to execute: he withdrew his men for a few days, to

create the desultory hope of security, and some time after brought them back, placing them in a dark thicket by the river side : this being effected, he sent a squaw to Coytmere to inform him, he had a message to deliver him from the chiefs of his nation, desiring he would come and speak to him on the opposite side of the river ; in the mean while, he crossed the stream. Coytmere, accompanied by his two lieutenants, walked to the river, and the Indian from the opposite shore told him, that, being on his way to Charleston to procure the release of the chiefs, he wished one of the soldiers might accompany him as a safeguard ; he held a bridle in one of his hands and pretended he was going to look for a horse. Coytmere answered in the affirmative ; some desultory conversation followed, and Oconoota, turning towards the woods, swung the bridle twice over his head, the concerted signal, at which the Indians in ambush rose from the thickets, and firing, killed Coytmere and wounded his two officers. On hearing the report, the officer in command at the fort ordered the chiefs in his possession to be put in irons ; the Indian on whom this order was first attempted to be executed, stabbed the soldier who took hold of him, and wounded two others ; the garrison, exasperated, fell on the others and slaughtered them.

The chieftains in every town alarmed their countrymen and called on them to revenge the spirits of their murdered brethren, hovering around their huts : the song of war was begun, and the youths of the nation, impatient of vengeance, rushed on the innocent, defenceless and unsuspecting families of the planters

on the back settlements of the whites, and regardless of the claim of age, childhood, or the softer sex, spread death, desolation and waste; few escaped the knife, many of those few perished with hunger and distress in the wilderness, others were carried off for more cruel, because more protracted torments. The bearers of the first tidings of this massacre found the city of Charleston desolated by the small pox, which raged with so much violence, that few of the militia could be prevailed on to leave their sickening or frightened families, to march to the relief of the frontiers. The distress of the province was however relieved, by the arrival of colonel Montgomery with a detachment of regular troops: his force being increased by as many of the militia of South Carolina as could be raised, and a part of that of North Carolina under the orders of Hugh Waddle. Colonel Montgomery marched towards the Cherokee towns; he destroyed all the lower ones, but approaching that of Etchoe, the first of the middle settlements, he met in a thick wood a considerable body of Indians, and in the battle which followed, an equal slaughter left victory undecided; and the leader of the whites, from this specimen of Indian tactics, apprehending danger in penetrating farther into the country of the enemy, marched back to fort Prince George.

In the latter part of the month of May, lieutenant governor Bull, on whom the government of the province of South Carolina devolved, at the departure of governor Lyttleton, received information from the officer commanding at Augusta, that on the 14th the upper Creeks had murdered above twenty English

traders, the rest having, on previous notice by their women, fled to Pensacola. The lower Creeks, on receiving the information, doubted of its correctness, and despatched runners, who brought the confirmation of it: they told the English traders among them, that the upper Creeks would soon be down, with the intention of acting the same tragedy on them; that they could not fight against their own countrymen, and therefore, supplying the English with arms, advised them to unite in one of their towns and make the best defence they could. On the next morning, however, the Indians escorted them to Savannah.

Lieutenant governor Bull, on this occasion, solicited assistance from governor Dobbs: he represented to him, that there was much room to believe, that the French had excited the upper Creeks to war, a circumstance which would render the united efforts of the southern provinces necessary; he stated the formidable number of warriors which the Indians might bring into the field; according to his accounts, the Cherokees and Creeks had two thousand each, and the Choctaws five thousand, and there were other nations under the influence of the French, towards the Mississippi; the Chickasaws could not be well counted in the number of English allies, as their situation and small number were likely to make them either join, or be cut off by the general alliance against the English.

In consequence of this information, the legislative body held its third session at Wilmington, on the 30th of June. The letter of the executive of South Carolina was laid before them, and governor Dobbs soli-

cited them to grant a proper aid to the king, and make such amendments to the militia law, as the emergency required.

The lower house, in whom the feelings excited by the violent altercations between them and the governor, at the last session, did not appear to have subsided, were at first unwilling to proceed to business, a majority of the members not being present, many having declined coming, on account of a rumor of the small pox raging in the town of Wilmington.

They began their address, by bewailing the thinness of their house, and observed, that nothing but the particular and critical situation of the country could have induced them to depart from the established rule, and proceed on business with a less number than a full majority of all the members.

They next animadverted on the governor's speech, at the prorogation, and observed, that the aid bill, which he had been pleased to reject, greatly varied from that on which his observations had been founded. They said, the slow progress in levying the forces, to serve under general Forbes, was, in their apprehension, occasioned by the unlucky choice of officers, made by the governor, who were strangers to the generality of the people; a misfortune against which the last aid bill was attempted to be guarded. They admitted, that the bounty was small, but a reward of five pounds was offered for every scalp, and the Indians taken alive were to become the property of the captors, inducements, which, in the judgment of the house, were likely to be equal to that of a larger bounty.

With regard to the disposition made of the twelve thousand pounds proposed to be emitted, they observed, the treasurers could have derived little advantage from it, the province being six thousand pounds in arrears, and the bill made application of the greatest part of what might remain, after the men were raised; and that if the house had acted as the governor suggested they ought to do, and invested him and the council with the power of applying the money, their conduct would have been inconsistent with their duty, and contrary to the constant and approved method.

They expressed their desire of joining him in every measure that might redound to the king's honor and advantage and the true interest of the province.

The governor, after the customary expressions of thanks, replied, that he must inform the house, that their quorum to proceed to business was by the king's instructions fixed at fifteen, to which number the house must now adhere.

He added, he would not enter into any disquisition in regard to former bills; but, he had to inform them, that as to future bills, he would pass none that restrained the executive power, which was the king's prerogative; the only power, delegated to the assembly, being as to the quantum of the supply, the mode of raising it, and the pay of the troops, all other considerations being inconsistent with the prerogative of the crown.

A bill for the appointment of an agent passed the lower, but was laid over in the upper house.

Two bills only were offered for the governor's assent, the militia and aid bills: both received it. Seven thousand pounds were granted to the king, for the protection of the province and the relief of that of South Carolina,

and an emission of paper money, to the amount of twelve thousand pounds, was directed ; the surplus was ordered to be applied to the contingent charges of government already, or that might be allowed by the general assembly. A poll tax of one shilling per annum was laid, to commence in the year 1763 and continue till the money emitted was collected and burnt.

A premium of five pounds for the scalp of every Indian killed in the war was allowed, and the soldiers were allowed to retain all Indians taken alive as slaves, with all the plunder that might be taken from the enemy.

The distant garrison of fort Loudon, found itself this summer reduced to the dreadful alternative of perishing with hunger, or throwing themselves on the mercy of the Cherokees ; for a whole month they had subsisted on the flesh of lean horses and dogs, and a small supply of Indian beans, which friendly squaws procured for them. In this deplorable situation, it was determined to surrender the fort : captain Stewart was therefore sent to Chota, one of the principal Indian towns in the neighborhood, where he met the chiefs of the Cherokees, and agreed on the outlines of a capitulation, which were afterwards confirmed and signed by the commandant. The men were allowed their arms, and as much ammunition as the officers should think they wanted on their return ; the garrison was permitted to proceed to Virginia, or fort Prince George, and Indians were to be allowed to escort them and search for provisions ; the sick and lame were to be received into the Indian towns and protected until they recovered ; horses were to be furnished to the garrison, at a fair price ; the heavy artillery, powder, ball and spare arms, were to be delivered to the

Indians, on the day appointed for the march of the troops.

When they abandoned the fort, the British troops were escorted by a number of Indians, headed by Oconootota; they marched on that day fifteen miles, towards fort Prince George. At night, they encamped on a plain, about two miles from Tellico, an Indian town, where the Indians, one after another, disappeared; they remained the whole night unmolested; but, at the break of day, a soldier from one of the outposts ran in and informed, that he saw a vast number of Indians, armed and painted, creeping among the bushes and advancing to surround the English. Time was hardly given for the soldiers to stand to their arms, when the Indians poured in a heavy fire, from different quarters, accompanied with horrid yells and screams. Captain Dennie, three of his officers and twenty-six men fell; the rest fled into the woods, were soon overtaken and led captives to the towns of the valley.

These disastrous events in the southern part of the British empire in America, were, however, greatly counterbalanced by the great success of the king's arms in the north; the whole province of Canada having been conquered in the course of the summer.

The fourth session of the legislature was held at Wilmington, in the month of November. On the seventh of that month a majority of the whole lower house not appearing, those on the floor refused to proceed with the number of members present, constituting a quorum by the king's instructions, and came to a resolution, that, in the opinion of the mem-

bers present, they could not consistently with the charter of Charles II. and the usages and approved customs of the assemblies of the province, proceed to business, unless a majority of the representatives of the people were present. The warrant of the speaker was directed to the sergeant at arms, to compel the attendance of the absent members, by taking them into his custody. By this means a majority was procured a few days after.

Governor Dobbs began his speech by congratulating the houses on the reduction of Canada, and added he had great reason to hope, that the Cherokees, intimidated by the great success of the king's forces, and the opportunity it would afford to the commander in chief to detach a considerable number of men to chastise them, appeared inclined to accept the overtures of peace, lately made them by governor Fauquier of Virginia, and lieutenant governor Bull.

He recommended the continuance of the forces already in the pay of the province, until peace was finally concluded with the Cherokees, and as both the neighboring provinces had determined on exerting their whole forces to reduce the enemy to such terms as would, for the future, avert the dread of an Indian war; he expressed his hope that North Carolina would act in conjunction with them.

After expressing his reluctance to load the people with taxes, or to depreciate the currency by issuing paper money, he declares his readiness to enter into any reasonable measure, so that so much of the money paid to the agent of the province in London,

from the parliamentary grant, of which he had received a part, might be employed to pay the forces hitherto raised, as well as those that might be levied, by drawing bills on the agent, until peace was obtained or the Indian commotions subsided.

He recommended, that they would think of the propriety of allowing a premium to encourage the culture and exportation of hemp and flax; and, as flour and tobacco had of late become considerable articles of export from the river Cape Fear, that the inspection laws, relating to those commodities, might be extended to the southern part of the province.

The lower house in their address observed, that, although the province was one of the least in trade and riches, it had already emulated the most opulent in their zeal for the king's service, having, during the war, granted in several aids for the support of the common cause, not less than £80,001, and thereby anticipated their funds and contracted a large debt; yet, they would at this crisis, hoping it might be the last, join with the forces of Virginia and South Carolina as many men, as the indigent and almost exhausted circumstances of the province would allow.

They praised the governor's moderation and wish to avoid burdening their constituents, but expressed their inability to conceive, that the proposed plan of drawing bills could be executed, as the money already, allotted to the province out of the first parliamentary grant, was by law appropriated towards erecting public building and the residue to

other purposes, by various orders and resolves. They flattered themselves, that had they been so fortunate, as to have had the concurrence of the other branches of the legislature, in passing a law, more than once attempted, for appointing an agent, in London, who might have produced proper documents of the disbursements of the province, and represented the duty and loyalty of the people, considering their circumstances, in their true and proper lights to the king's ministers, the province might have participated in the first grant of £200,000 to the American provinces, out of which, the province of Virginia had received £20,546, exclusive of £32,268 19, her proportion of the second grant of £50,000, while the whole sum, coming to the province, was no more than £7,789 11, and even out of this sum the house was now informed of a demand of one thousand pound sterling, advanced by lord Loudon and governor Shirley, to pay the troops of the province, at New-York, notwithstanding the assembly had raised a fund, sufficient for that service: the house could not therefore withhold their opinion that the small part of the royal bounty, coming to the province, was apparently owing to the absence of an agent to represent their dutiful behavior to the king and his ministers.

They lamented the indispensable necessity in which they found themselves, the extraordinary charges of the war having exhausted the resources of the province, to postpone the consideration of premiums on hemp and flax, to a more favorable day.

They declared their conviction, that the prerogative of the crown and the just rights of the assembly could

well, and ought to subsist, inseparably together, and that whoever would attempt to divide them ought to be deemed an enemy to both, the prerogative of the crown being, in their apprehension, exerted solely for the ease and benefit of the people; they were unconscious of having ever attempted to invade it, although the governor in his speech, at the last sessions, and his reference to the resolution of parliament, which he had sent to them, seemed to charge the house with it. They were sorry to say that, they had been unfairly and unkindly represented at home, as the assembly had never arrogated to themselves the powers, stated in the resolution of parliament to have been claimed by the assembly of Jamaica.

In his answer to this address, governor Dobbs said, he must differ from the house, either as to the province having no proper agents in London, the lords of the treasury having accepted of the nomination both of the council and assembly, though of a distinct person, or as to the disposal of the balance of the £7,000, after Mr. Abercrombie had paid himself the sum that the house had allowed him, and they had it in their power to have a proper aid bill to repeal any former application and to apply it, for the future, to the use of the province, when no part had been applied in pursuance of their former resolutions.

He expressed his hope that the house, adhering to their loyal professions of uniting the king's prerogatives and the rights of the assembly, would put no tack to the aid bill, as had been formerly attempted, and thus disabling him from the power of assenting to it.

An act was passed to regulate the elections of members of assembly. The freeholders, to whom the right

of suffrage was exclusively granted, were required to exercise it *viva voce*.

The county of Beaufort was divided, and the upper part of it was erected into a separate county, to which the name of Pitt was given, in compliment to a minister, dear to the American people. The late division of the county of Edgecombe having left Enfield the place at which the public business of that county was transacted, in a remote corner of it, a more central spot was chosen and a town erected on it, to which the name of Tarborough was given, from the river which washes it. With a view to forward the erection of churches in the towns of Wilmington and Brunswick, the legislature at this session, first countenanced the mode of raising money by a lottery.

In framing the aid bill, the lower house again inserted a clause, appointing Anthony Bacon agent of the province, for the purpose of representing to the king and his ministers their dutiful and loyal behavior, and to lay before them proper documents of the expenses the province had been at in carrying on the war against the king's enemies in America, the upper house, on reading the bill for the third time, made an unsuccessful attempt to obtain the striking of that clause out of the bill. As soon as it had passed the houses, the assembly addressed the governor for his assent, representing the bill as of the utmost consequence to the province and the adjacent ones, in the reduction of the Cherokees, whom they had reason to believe were encouraged in their depredations by the artful insinuations of the French, who, drove out of their possessions in Canada, were, as their last effort, making an attempt on the sou-

thern provinces, the most vulnerable part of the British empire in America.

No answer was given to this address; the governor rejected the bill and prorogued the legislature for a day.

In meeting them again, the governor addressed himself to the lower house only. He said he had prorogued the legislature with a view of giving the house an opportunity, in a new session to reconsider the rejected aid bill, that, if they chose to rid it from the exceptionable and foreign clause, they might perfect and render it serviceable to their king and country; but, in case they persisted, he might put an end to their further attendance, and their constituents might see, that their real intention was not to pass an aid bill, but to force an agent upon him and the upper house, whom that body had twice rejected, after he had publicly declared he would concur in the appointment of any other person.

The house, on their return, entered into resolutions, asserting their inherent and undoubted right, to nominate an agent for the province: and that the appointment is not inconsistent with the king's service, although made in an aid bill.

In their address they bewailed, that the king's service, in the intended expedition against the Cherokees, should be frustrated, by what appeared to be only some private resentment of the governor against Anthony Bacon: they observed, it was a matter of small concern to the king or his ministers, whether Anthony Bacon, or any other man, was appointed agent of the province, provided the house granted such assistance to the common cause, as the indigent circumstances of their constituents admitted. This had been attempted to be done, by the bill which he had rejected. Five hundred men, the

largest number during his administration, had been granted, and the pecuniary aid exceeded, also, any voted during the war, because the house conceived the present the most critical juncture.

They concluded by assuring the governor, that 'their adherence to the person they had chosen, proceeded only from a desire of avoiding inconsistency : having, hitherto, displaced James Abercormbe, on the intimation, that he was not pleasing to the other house, and, if they now abandoned Anthony Bacon, who had been nominated by the solemn resolution of the fullest house ever known in the province, no gentleman of character would ever accept an appointment from a body of men, so inconsistent and trifling.

The house next came to a resolution, that, on the failure of the aid, the governor might have power to raise a company, for the garrisoning of the forts of the province, and made provision for their enlistment, pay and support.

Governor Dobbs received the address of the house, in sullen silence.

A curious expedient was resorted to, with a view of holding out to the governor the opportunity of accepting the aid, with some appearance of persisting in his determination of rejecting an aid bill, with any clause not strictly relating to the aid. A bill was framed for the appointment of an agent, and to it, a clause was tacked, granting an aid. The old bill was inverted, and in this form passed both houses, and the upper house concurred with the provisional resolve.

The governor, as soon as he heard of the bill having passed both houses, issued his proclamation dissolving the assembly.

Apprehensive that this exercise of the royal prerogative, might be attributed to a desire of revenge, excited by the complaints against his administration, which the assembly had transmitted to their agent, in order to their being laid at the foot of the throne, governor Dobbs entered, on the journal of the council, the motives that had governed, or the pretences by which he wished to palliate, his conduct.

These were, the admission of a member to sit and vote, without his having been chosen in pursuance of the king's writ; the expulsion of another without a hearing; the refusal of opening the door of the house to receive a message from him, while the committee of secrecy was sitting; the concealment, for several days, of the proceedings of that committee; the appointment of Anthony Bacon as agent, with a salary, by the lower house; their refusal to proceed to business, with the number of members prescribed by the king's instructions; the great influence of the speaker, S. Swann, improperly exerted, in debating, from the chair, often, after a division, putting the question again, in a different manner, and thus, sometimes obtaining a different determination.

Stephen Dewey, the member of the town of Halifax, was the person alluded to in the first motive. His townsmen claimed the right of being represented, under the act of 1715, and insisted that they needed not the governor's writ to exercise it. Francis Brown, one of the members of the county of Perquimans, was the person alluded to as expelled, without a hearing. The house, on the report of the committee of elections, had determined that he was ineligible.

The conduct of governor Dobbs, in rejecting the aid bill, was highly disapproved of, and the lords commissioners of trade and plantations, expressed to him the great concern which they felt, that the king's service had been so greatly obstructed, and the province of South Carolina deprived of the assistance which, in her distressful situation, she had a right to expect from her neighbors, by unfortunate and ill-timed disputes, between the branches of the legislature, upon questions of mere speculative polity, too trivial, at almost any time, to deserve consideration, and improperly drawn into discussion, at a time when the united efforts of the king's subjects were so essential to their own security, and the general interest of the community.

They said it was not the part of the crown, either in point of right or propriety, to interfere in the nomination of an agent, so far as to the choice of the person; and the representatives were free to choose whom they thought fit, to act in what concerns the affairs of the province, with whom they and the council alone could correspond; the governor being restrained by his instructions, from corresponding upon matters of a public nature, relating to his government, with any other persons than the servants of the crown, in whose department the affairs of America were placed.

They added, that the only point in which a governor might interfere with propriety, was on the mode of the appointment, and although they deemed the attempt of the lower house, to name the agent in the aid bill, was irregular and improper; yet, considering the necessity there was of some supply to answer the exigency of the service, in the calamitous state of the southern provinces,

the objection appeared too trivial, to have been admitted as a reason for rejecting the supply ; and, at the same time, rejecting the mutual benefit, which both the crown and the subject in North Carolina, would derive from the province, having an agent in England, duly authorized to answer upon all such matters as might occur, relative to her affairs.

The refusal of the lower house to proceed, without a majority of the whole, was considered, in England, as an unreasonable and indecent opposition to the will of the crown, communicated, in the king's instructions, to the governor. The practice was considered as inconsistent, with that which prevailed in the mother country, and as affording a favorable opportunity to designing men, to obstruct the king's service; and it was deemed preposterous to defend it, on principles laid down in charters, granted in times to which, of all others, one would least of all appeal for their constitutional principles.

The pretensions of the house, as to the mode of passing the public accounts, was deemed, not only highly derogatory to the honor of the crown, but subversive of every principle of policy which the wisdom of parliament, at home, had prescribed, by numberless laws, for the security of the subject. The king's instructions, by which the mode of passing public accounts was directed, were said to be founded upon the principles and practice of the mother country, to which the constitutions of the colonies were to assimilate, as nearly as their different circumstances would admit ; and no part of the British constitution, was thought more closely adapted to the situation of the colonies, than those forms which took place in granting and issuing public money, and passing the public accounts ; under the observance of

which, the subject was deemed to have that security, which he could not have under any other, that the taxes levied upon him by the authority of the legislature, were equally and justly laid, and the money faithfully applied to the service for which it was granted; while, if forms and checks attendant upon them, were set aside, that security would cease, and a door would be opened to every species of fraud and corruption, in the persons intrusted with public money.

It was said to be a subject of concern, that the colonies had been so long indulged in methods of granting, issuing and accounting for public money, very different from the practice of the mother country; and, it was hoped, that the lower house, convinced of the unreasonableness of their claim in these two instances, might, in future, show more proper regard to those determinations of the royal will, so apparently founded on considerations of public benefit and convenience, and the tenderest regard to the rights, interest and welfare of the subject.

In the beginning of February, accounts reached the province of the demise of the king, which had happened at Kensington, on the 5th of October. On the 6th of that month, George III. was proclaimed at Brunswick, in presence of governor Dobbs, the members of the council, and a number of the principal inhabitants and planters, as “the person to whom the supreme dominion and the sovereign right of the province of North Carolina, and all the other provinces of his late majesty, in America, were solely and rightfully come.”

The assembly, which had been elected soon after the dissolution of the legislative body, being itself dissolved by the king’s demise, new writs of election were issued immediately after the proclamation of the new sovereign.

Governor Dobbs received information from Sir Jeffry Amherst, that the minister had apprised him of the king's intention of continuing the war with vigour in America, to drive the French from the continent, and that he had room to believe the governor would soon receive orders, as well as the chief magistrates of the other provinces, to raise forces to finish the plan of the war.

The legislature met at Wilmington, on the last day of March. After announcing to the houses the demise of their late monarch, the accession of his grandson, and the object for which they were called together, the governor informed them he had not received any despatch from the minister, but he had within a few hours been apprised, that Sir Jeffry had received orders about the operations intended to be undertaken during the next campaign ; and as it was then too late to raise any forces to march against the Cherokees, he had only to recommend to their attention the internal concerns and improvement of the province, and would communicate any order he might receive during the session.

After the complimentary expressions of condolence and congratulation which circumstances called for, the lower house observed, that the aid for which they were likely to be called upon, would have been happily anticipated, had the aid bill which the two houses had passed at the last session, been honored with his assent, as the forces then granted might have contributed to the more speedy reduction of the enemy.

They added, that if he had been obliging enough to have called them together to a more central part of the province, he would have saved a considerable expense to the public, and greatly contributed to the ease of the

greatest part of the members and saved himself the trouble of frequent prorogations ; they expressed themselves fully aware of the prerogative of the crown, in fixing the time and place of meeting of the legislature ; but they could only hope for some indulgence and attention to the ease and conveniency of the subject.

The governor replied, that since the house were pleased to take notice of the transactions of another assembly, he was under a necessity of informing them, that if the aid bill they had offered had not been clogged with clauses inconsistent with the king's prerogative, he would heartily have given his assent to it ; he informed them, that on the contingency of an aid being required, he would not pass the bill granting it, if the house persisted in clogging it with clauses foreign to the aid.

He added, that a former assembly had voted, that the town of Newbern, the most central in the province, was not a proper place for the meetings of the legislature, and he thought Wilmington was the most proper place, while the operations of the war were carried on in the south, to obtain early intelligence of occurrences that might require immediate attention ; and no prorogation would have been necessary, if the members had thought fit to obey the king's instructions, as to the quorum.

On the 10th of April, the governor communicated letters from Sir Jeffry Amherst, and governor Fauquier of Virginia, mentioning their expectation of an aid from the province ; and although he had not yet received the king's command, for the raising of any particular number of men, or any requisition in money, he was advised by the council to lay the letters before the houses, and recommend that they might consider of the most proper

fund to answer the immediate call, so that, on the arrival of the king's orders, which were hourly looked for, no time might be lost and the bill be perfected with expedition.

The house came to a resolution, that it was too late to raise any force to march against the Cherokees.

They informed the governor, that the provincial funds were exhausted, and a large debt had been incurred by the zeal the colony had already manifested for the king's service, and the only means of affording further aid, would be to issue bills of credit, to be sunk by a poll tax.

The governor replied, that there were several sums of money unappropriated, in the hands of the collectors of the powder duty, which might be applied to present contingencies, and be replaced by a tax to be laid to answer future contingencies; but the house informed him, that the moneys arising from the powder duty, had been appropriated to the finishing of forts Johnston and Granville, and the improvement of the navigation of the ports of Beaufort, Bath, Roanoke, Currituck and Brunswick; that the receivers had been directed to account with the commissioners of navigation, and it appeared, from the returns of the commissioners, that there will remain but a trifling sum, after the intended purposes are answered.

A bill was introduced, for granting an aid to the king of sixteen thousand four hundred and ninety-four pounds, for raising clothing and pay for five hundred men, exclusive of officers, and for appointing an agent for the province; after its second reading, the governor informed the house, by message, that he could not assent to any aid bill to which any clause, foreign to it, was

tacked, such bills being unconstitutional ; that it was contrary to his instructions, derogatory to the prerogative of the crown and indecent in the assembly, to oblige the king to withhold his negative from a clause disagreeable to him, or lose the benefit of the proffered offer of an aid.

He added, that as he had often declared that he never had any objection to the house appointing an agent, in concurrence with the council, whom he could approve of, so he never would allow of any person to be imposed upon him or the council, after repeated refusals ; but as he had no objection to the person named in the bill, Couchet Jouveniel, if they would make the appointment, by a separate bill, and the council concurred, he would pass it immediately after the aid bill, to which he would always give the preference.

He recommended, for the good of the province and the satisfaction of their constituents, that a poll tax be laid for the redemption of the bills intended to be emitted, to commence as early as possible, to avoid a further depreciation of the currency.

The house, in answer, declared themselves unable to comprehend how the appointment of an agent, in the mode intended by the house, was unconstitutional, or at variance with the prerogative of the crown, or any instruction of the king of which they had any knowledge, or that it could be either disagreeable to the king or take away his negative on bills. They added, that in the present case, the appointment was far from being absolutely foreign to the object of the bill ; that even if the purpose of the clause to which the governor objected, was not specially stated in it, the passage of the bill could not be fairly construed to be forbidden

by any of the king's instructions against passing bills with clauses foreign to the title.

After the third reading of the bill, the house, with a view to avoid any appearance of inconsistency in removing Anthony Bacon, resolved, that their principal motive was a sincere desire to show their zeal and loyalty to the king, in granting an aid, so forcibly and earnestly recommended by the commander in chief of his forces in America, which they deemed their bounden duty to do, as the governor had declared his determination to pass no bill with the name of Anthony Bacon in it, but would assent to the appointment of any other person.

It was thought necessary to borrow the remainder of the glebe and school moneys, after the payment of the judges, to meet the expenses of the legislature, the claims of scouting parties on the frontier and other public demands: this was done by a resolve of the houses, directing the reimbursement of the loan out of the tax for the contingent fund.

The aid bill, besides the appointment of the agent, provided for an emission of twelve thousand pounds of bills of credit, made a tender in all payments; the Indians, taken in the war, were declared the absolute property of the captors; rewards were offered for the scalps of those killed in battle; a poll tax of two shillings was laid, for the redemption of the paper emitted, to commence in the year 1764 and continue till the whole emission was thus paid in and burnt.

A lottery was granted for the improvement of New river, in the county of Onslow; and the powder duty, in the port of Currituck, was converted into a pecuniary

levy for the improvement of navigation between the inlet of that name and Albemarle sound.

In assenting to the aid bill, the governor testified his gratitude for a supply, in the critical state of affairs and distressed state of the province, as large as the most sanguine expectation could have anticipated, but added, it would have given him a double pleasure, if the house had allowed him the satisfaction of signing it, unmixed with the regret of departing from the instructions of his sovereign, and becoming an accomplice in the encroachment upon the prerogative of the crown, of which the house had been guilty; he said he would not have yielded, if a combination of circumstances had not contributed to influence his mind; a majority of his constitutional advisers had recommended his compliance, and when sitting as an upper house, had relaxed from their undoubted right; the assembly had formally disclaimed that of adding clauses to an aid bill, that might encroach on the prerogative of the crown, or place the king in the humiliating dilemma to lose his negative voice in the proffered aid; and he had agreed to concur with the appointment of the houses in a separate bill; to these all powerful considerations was added the pressing one to prevent wasting in debate the precious time, which every thing demanded to be employed in a co-operation with the king's forces, securing the possessions of France, and ensuring the peace and safety of those of Great Britain in America.

On his return from the council chamber, he issued his proclamation for the dissolution of the legislative body.

The reduction of Canada having enabled Sir Jeffry Amherst to send back the Highlanders to the relief of

the southern provinces, colonel James Grant, who had succeeded colonel Montgomery in the command of his corps, had arrived with it in Charleston, early in the year. The legislature of South Carolina, had determined to exert the strength of the province to the utmost, believing that, in conjunction with the regular troops, and aided by the neighboring provinces, so severe a blow might be struck, as would deter the Cherokees from any further attempt to molest the white people on the frontiers. Several parties of the Chickasaws were engaged as auxiliaries; and, although messengers were sent among the Creeks to induce them to co-operate with the British, no aid could be procured from that quarter, the warriors playing an artful game, and exciting, alternately, the hopes of the inhabitants of South Carolina, and those of the French, on the Mobile and Mississippi.

Early in the spring, colonel Grant had begun his march towards the Cherokees: his force in regulars, provincials and Indians, was about two thousand six hundred men.

He reached Fort Prince George, on the 27th of May. A fortnight after he began his march, a party of ninety Indians and thirty woodsmen, painted like savages, advanced in front to scour the woods. One hundred and fifty light infantry and fifty rangers, preceded the main body. The army had provisions for one month. Forced marches were made during the three first days, with a view to meet the open country. On the fourth day, on the occasional appearance of Indians on different sides, orders were given, for the first time, to load and prepare for action, and the guards were directed to march slowly on, and to double their vigilance and circumspection. The more frequent meetings of Indians, an-

nounced the approach of a decisive moment, as the army reached the spot on which colonel Montgomery had been attacked, the preceding year. The Indians in the van, about eight in the morning, spied a large body of Cherokees, posted on a hill, on the right flank of the army: they hardly had time to give the alarm, when the enemy rushed down and fired on the advanced guard; but, the main body rapidly advancing to their support, the Cherokees retreated to the hill. The army had to march for a considerable distance, between the hill and a river, from the opposite side of which, another party of the enemy kept up a brisk fire: sending a detachment to divide the party on the hill, colonel Grant made his army face about, and fire across the river: the engagement soon became general, and the Indians over the stream, keeping their ground and pouring in a heavy fire, the party on the hill, who retreated into the woods on the approach of the detachment sent to dislodge them, soon returned with increased numbers; and colonel Grant's troops, exhausted by fatigue, soon found themselves surrounded by the foe, galling them with a scattered fire. The Indians, when pressed, kept aloof, and rallying elsewhere, returned to the charge, always in a different direction. The battle continued in this desultory mode of warfare for two hours, when the van of the army was attacked by a fresh body of Indians, boldly endeavoring to seize on the provisions. Colonel Grant, at this distressful moment, was obliged to detach a part of his men to this vulnerable point. The apparent opportunity, which this division of the forces gave to the Cherokees, of reducing the main body, redoubled their fury: they made the woods resound with their yells and screams; but, the troops keeping close and continuing

their steady fire, the savages, towards eleven, gave way: they were pursued for some time; but towards two o'clock not an Indian was to be seen. Colonel Grant had sixty of his men killed or wounded: he could not ascertain the loss of the enemy. After sinking the bodies of the dead in the river, to prevent their being dug up and scalped, and destroying several bags of flour to procure horses for the wounded, the army proceeded to Etchoe, a large Indian town, which they reached about midnight. On the following day, they reduced it to ashes; and, proceeding into the middle settlements, fourteen other towns shared the same fate. Their provisions were destroyed, and corn fields laid waste; and after remaining thirty days in the neighborhood, spreading desolation and fire, the troops marched back to Fort Prince George, leaving the Indians to seek shelter and food on the barren mountains.

Soon after the troops returned to the fort, a number of Cherokee chiefs came and sued for peace. Colonel Grant, willing they should believe it was not to be obtained on any terms, insisted on, as one of the stipulations of the treaty, that four Cherokee Indians should be delivered up at Fort George, to be put to death in front of his camp, or that four green scalps should be brought to him within twelve nights. The chiefs declared their inability to assent to this stipulation, not being authorized by their nation, to accept peace on such terms as these; and the colonel sent them to Charleston, to see, whether lieutenant governor Bull would mitigate the rigor of it: a safeguard was given them. The chiefs met that officer at Ashley ferry, where he came to meet them, accompanied by the council of the province, and in a short time, a treaty of peace was concluded.

In the month of December, the lords commissioners of trade and plantations laid the court laws, passed in May, 1760, before the king and council, for the royal disallowance and repeal: they severely animadverted on governor Dobbs' conduct, in suffering these laws to have immediate operation, before the king's pleasure was known, thereby setting aside one of the fundamental privileges of the constitution of the British colonies: they stated, that the governor alleged in his justification, that he had given his assent to the laws upon the advice of the chief justice and the attorney general, and had procured a clause to be inserted in one of them, that, if the king did not confirm it within a certain time, it should, thenceforth, be null and void. The lords observed, that the measure itself, independent of the mode, was, in their opinion, so far from alleviating the governor's improper conduct, that it was a heavy aggravation of it. In cases of this nature, they added, it was the duty of every governor to act upon his own judgment, and if it were admitted that he could be absolved by the opinion of others from the obligations of obedience, to the instructions of the crown, by which the negative voice in the passing of laws, was regulated and restrained, the interest of the crown and mother country would depend solely, for security, upon the uncertain wills, interest and opinions, of any person the governor might think proper to consult.

The clause mentioned by the governor, to have been inserted at his instance, in one of the laws, was considered as so far from answering the intention of the suspending clause, that it was deemed, in construction and effect, the very reverse.

The representation of the lords commissioners concluded by suggesting, that, if the governors of the colonies were suffered to go on in such repeated acts of disobedience to the king's instructions, upon points, so essential to the constitution, the dependence of the colonies upon the authority of the crown and the just government of the mother country, already too much relaxed, would stand on a very precarious footing.

The laws were repealed by the king in council, and the lords commissioners of trade and plantations were directed to signify, to governor Dobbs, the king's high displeasure at his conduct, and to request him, for the future, to adhere more strictly to the king's instructions, relative to the passage of laws.

A stage, at this time, began to ply between Portsmouth and Charlestown, (Mass.) which is supposed to have been the first established in the British provinces.

Early in 1762, governor Dobbs received a circular letter from lord Egremont, acquainting him, that the king, having nothing so much at heart as to secure and improve the great and important advantages gained since the commencement of the war in North America, and having seen his good disposition, to restore the public tranquility, entirely frustrated by the insincerity and chicane of the court of Versailles, in a late negociation, and as nothing could so effectually contribute to the great and essential object of reducing the enemy to the necessity of accepting a peace, on terms of glory and advantage to the king's crown and beneficial, in particular, to his subjects in America, as the king being enabled to employ, as early as possible, such part of the regular troops in North America, as might be equal to a

great and important enterprise, he was directed to signify to him the king's pleasure, that the better to provide for the full and entire security of the American provinces, and particularly of the territories lately conquered, during the absence of part of the regular forces, he would use his utmost endeavors and influence with the council and assembly, to induce them to raise, with all possible despatch, as large a body of men as the population of the province might allow; as far as should be found convenient, to form them into regiments and direct them to hold themselves in readiness, as much earlier than in former years as might be, to march to such places in North America, as the commander in chief, or such officer as might be appointed to the command of the king's forces there, would direct; and the better to facilitate this important service, the king was pleased to leave it to him, to issue commissions to such gentlemen, in North Carolina, as he might judge, from their weight and credit with the people and their zeal for the public service, to be best disposed and enabled to quicken and effectuate the speedy levying of the greatest number of men.

The men, to be thus raised, were to be supplied by the crown with arms, ammunition and tents, and provisions were to be issued by the commissary of the troops, in the same proportion and manner, as to the rest of the king's forces. All that was required from the province was to levy, clothe and pay the men; and, in order that no encouragement might be wanting to the fullest exertion of their strength, lord Egremont mentioned, that the king had permitted him to acquaint the governor, that strong recommendation would be made

at the next session of parliament, to grant a compensation proportionate to the active vigor and strenuous efforts of the respective provinces.

The governor was directed to collect and put into the best condition, all the arms, issued during the last campaign, which could, by any means, be rendered serviceable.

Similar orders were given to the governors of Pennsylvania, Maryland, Virginia and South Carolina.

Sir Jeffry Amherst, having been directed to complete the regular corps serving in America, by recruits to be raised by the several provinces, made application to governor Dobbs for the quota to be furnished by North Carolina, which, agreeably to the proportions of the other provinces, was fixed at one hundred and thirty-four. Sir Jeffry added, with a view to render the service effectual, it would be required, that each province should provide for replacing such of their men as would desert, a circumstance which, when known, would prevent any of them from leaving their corps, since they could expect no protection at home.

Governor Dobbs lost no time in summoning the legislative body. It held its first session at Wilmington, on the 13th of April. After announcing the late nuptials of the sovereign, the success of the British arms in the West Indies and the capture of the island of Martinico, and laying before them, the despatches, which had induced him to issue his proclamation for an early session, he recommended to the lower house, as they should answer it to their constituents and posterity, to testify their zeal, with unanimity and despatch, by raising as large a quota of troops as the province could bear, and as-

sist the king to terminate with honor, a war undertaken at great expense, to defend, and procure a lasting peace and future safety to, his American provinces.

He expressed his hope, that the supply might be levied without a heavy tax, or issuing notes to depreciate the currency, and advised that a loan might be raised by subscription, and that the people might not be more burdened than by a small tax, sufficient to discharge such reasonable interest, as might insure the loan, till the money, arising from the late or future parliamentary grant, might discharge it.

He recommended a strict investigation of all public accounts, a revision of the inspection laws and the allowance of premiums on valuable objects of imports; and as the distresses of the time had retarded the establishment of public schools, he proposed, that the vestry in each parish might be authorized to raise a limited sum, sufficient to pay a parish clerk and register, qualified to act as a schoolmaster and reader, where clergymen could not be had, to prevent the increase of sectaries, idleness and profaneness.

The lower house replied, that they should ever look, upon the interest of their constituents, as the object of their unwearied attention, and would always have the most tender regard for the welfare of their posterity ; but they were obliged to acquaint him, that they thought the raising of troops, further than for the defence of the sea coast, a measure in nowise calculated to please the one, or benefit the other : for, although they had the greatest veneration for the best of kings, and trusted the province

had already given the most convincing proofs of attachment, to the honor and dignity of the crown, during the prosecution of the war; yet, they were sorry to observe, they could not, without reducing the people to the utmost distress, add to the accumulated and intolerable load of tax they groaned under: they added, that the statement of this circumstance, singly and of itself, would justify them in declining a compliance with his requisition; but, with concern, they were obliged to say, that, if they might form a judgment from the past, they had but little encouragement to hope, that any supply they might grant would much contribute to the service of the king, or the advantage of the province.

For these reasons, they flattered themselves with the hope of his concurrence in the belief, that to raise troops under the actual debility of the province, would have fatal effects, and drive the people, already impatient of their sufferings, to the brink of despair, and hoped he would have so good an opinion of them, as to attribute their refusal, to these and no other motives.

They said they had been sensible of the necessity, at all times, to take care that the public accounts should be critically examined, and assured him nothing in their power would be wanting, that might tend to give the utmost satisfaction on that head; and that nothing could add to the sense they had, of the necessity of supporting schools, and giving every possible encouragement to trade.

Soon after receiving this address, the governor issued his proclamation, for proroguing the legislature to the following day.

His speech, at this meeting, was directed to the lower house only, the upper house having, in their address, promised to concur with the other branch of the legislature, in a bill for carrying the intentions of the king into effect.

He observed, that the house had gone too far in the expressions of their sentiments, to allow him to hope, that they might retract them easily, at the same meeting; and he had prorogued them, with the view of affording them a better opportunity of re-considering them in a second.

He laid before them two authentic gazettes, from Virginia, by which it appeared, that the legislature of that province had complied with the requisitions of lord Egremont and Sir Jeffry Amherst, with unanimity, alacrity and despatch. He added, that, as he found all the other provinces willingly submitted to the king's demand, it grieved him, and it would every loyal breast in the province, that they alone should prove refractory.

He hoped, that when they would seriously consider the situation of affairs, in Europe and America, and that a powerful enemy, the king of Spain, was raised against Great Britain, who endeavored not only to prevent the king's further acquisitions, from a deceitful and perfidious enemy, but also to deprive him of all the conquests he had made, and of the laurels and trophies, gained by his armies, with an expense of eighty millions, they would think, that their obstinacy would lessen them in the eyes of all the king's subjects, and they would forfeit the honor they had already obtained, in hitherto assisting their sovereign, to the utmost of their abilities.

He concluded, by conjuring them to preserve the good opinion and esteem, the king had for them, and, forthwith, to repair to their house, and reconsidering the letters and papers laid before them, come to an immediate resolution, whether they would comply with the king's request, so that they might proceed to other business with despatch, or, in case they refused, that he might dismiss them to their private affairs, which, in that case, they would seem to have more at heart, than the public service.

The house resolved itself into a committee of the whole, and, after sitting a considerable time, the committee reported, and the house voted, that, the province being already burdened with a heavy debt, incurred by several grants for the king's service, during the war, and the inhabitants impoverished thereby, it was impossible to comply with the demands on them, communicated in the governor's speech.

The committee, appointed to correspond with the agent of the province, communicated letters from that gentleman, announcing the repeal of several late laws of the general assembly: among others, the court laws and those for improving the navigation of the province. This information excited considerable uneasiness; and governor Dobbs improved the opportunity, which he thought this dissatisfaction would create, to impress on the house, with some success, the necessity of avoiding to excite the resentment of the crown, by persisting in the determination of refusing the required aid. He accordingly, issued a proclamation for proroguing the assembly to the next day. He again addressed the lower house only, telling them he had once more, by a short prorogation, afforded them the opportunity of re-con-

sidering, in a third meeting, the king's demand of an aid of men, since the house might be sensible, from the late communication from the agent in London, that the king could and would confer, or withhold favors from them, as they refused or complied with his requests.

The house expressed their sorrow at the the trouble the governor had twice taken, of giving them the opportunity of re-considering the requisitions he had made, when he first met them. They begged his leave to assure him, that what he had then said, had been most maturely considered, and the consequent determination taken, after great deliberation; and they were to acquaint him, that the motives, which induced that determination, still prevailed with them, to adhere to it.

They declared themselves sensible, that the king could, and no doubt would, confer favors on those who, to the utmost of their ability, supported his government; and they entertained no doubt, that he would hear of the many and large grants made by the province, particularly, of the last twenty thousand pounds, and of the impoverished state of the inhabitants of the province, and would think that they, in some measure, merited his favor.

The governor was authorized, by a resolve of the two houses, to raise twenty-five men, including officers, for each of the forts at Ocracock and Cape Fear, and to draw warrants on the treasurer for the expenses attending their service, payable out of the fund appropriated to founding schools, and to be replaced by a tax to be laid for that purpose.

The upper house manifested a disposition to show their displeasure against the lower house. Contrary to their accustomed practice, they appointed committees

of claims and accounts, of their own house, instead of appointing gentlemen, out of their body to form these committees with those appointed by the lower house. The lower house complained of this innovation, and, were informed by message, that the upper house looked upon it as their undoubted and constitutional right, to pass upon public accounts and claims, and to appoint committees on their behalf; it was observed, that although it had been customary, and found convenient, for the ease and despatch of public business, for their committees to sit at the same time and place, and with the committees of the lower house, it could not be, hence inferred, that their committees were not separate from, nor equal in rights to, those of the other house, and had not authority to meet, debate, and report separately. This message and another that followed it, were signed by the clerk of the upper house, instead of being signed by the president, and countersigned by the clerk.

The lower house desired, that for the future, all messages from the other house to them might be signed by the president, agreeable to the old accustomed practice, otherwise they could not receive them; they said, the separate committees were not only new and unconstitutional, but impracticable; for neither the money paid in to be burnt, nor the vouchers of accountants could with safety be transmitted from the committee of one house to that of the other.

The upper house forbore sending any further message to the other, during the rest of the meeting.

The upper house, the other, although invited, declining to join or say they would not, addressed the king.

They began by expressing their joy at the remarkable success of the king's arms, and giving assurance of

their firm and loyal attachment to the sovereign, his family and government ; they begged leave to represent, that the inhabitants of the province had, for several years past, been subjected to great difficulty and distress, for want of a proper place established as the seat of government.

They observed, that Tower Hill, the place chosen for that purpose in 1758, was found of difficult access to several of the inhabitants of the province, and no probability appeared of its being inhabited by a sufficient number of families to accommodate, with any degree of conveniency, the officers of government, the members of the legislature, or the persons who had business to transact with them.

Receiving it in charge from their constituents, to use their endeavours to obtain a redress of this inconvenience, and having examined the situation and extent of the province, and the people who were settled in the different counties, they suggested the propriety of fixing the seat of government in the town of Newbern, and implored the king to repeal the act for fixing it at Tower Hill, and signify his approbation of its being fixed at Newbern, promising to erect a governor's house there, and such suitable public buildings as the king's service might require.

On the 29th of April, governor Dobbs addressed the two houses ; he thanked the upper one, for the zeal they had manifested, and their readiness to concur in every measure calculated to promote the king's service.

He expressed to the other the great concern he felt in being obliged to represent to the king, the little regard they had shown for his warm and pressing demand for an aid ; he added, he should animadvert on this irregular conduct, and on the little attention they had paid to his

recommendation of passing laws to promote trade and the education of youth, and he would then leave it to their constituents to determine, whether they had acted for the welfare, safety and honor of the province.

He observed, that on their first meeting, when no time was to be lost in taking the king's orders into consideration, they had acted in opposition to his prerogative and instructions, by refusing to proceed to business, until a majority of the whole appeared, thus not only denying the king's right, but putting it in the power of a few members combining together to dissolve the assembly.

He said, that by the great opposition they had made, and refusing the aid to the king, they had, as far as was in their power, delayed and prevented their country from having a speedy and honorable peace, and well deserved, by their ill judged parsimony, the censure of their constituents.

He took notice of the letters of the committee of correspondence to the agent and his answers, about which, it appeared, that the members named by the upper house had not been consulted, and from which it seemed, that the principal object was to complain against him, for the frequent meetings, prorogations and dissolutions of the assembly, which had exhausted the public chest, in the payment of the members and officers of the legislature.

He complained that, contrary to the accustomed usage, the agent had been ordered to direct his letters to the late speaker, instead of addressing them to the committee of correspondence, enclosed under cover to the governor, so that the speaker might suppress any

letter disagreeable to him, and thus become the sole director of the committee.

He said, that it became his duty, that he might avert any future cause of complaint, to forbear passing any bill, and put an end to their meeting, without making it a session, which would save to the public the expense of their attendance, so much complained of.

He concluded, that on account of the disrespect they had shown to the king, and the little care they had taken to defend their country, he could not think of meeting them again, but must appeal to their constituents to judge of and censure their behaviour; he accordingly dissolved the assembly.

The governor, in the mean time, directed the one hundred recruits, required by Sir Jeffrey, to be raised and marched to New York. To meet the necessary expense of this service, he drew on the agents for two hundred pounds sterling.

In the latter part of the summer, official accounts of the repeal of the court laws reached the province, passed in 1760, and of the act for the improvement of the navigation from Currituck inlet; the causes of the repeal of the former laws have been already stated; the latter was objected to, as it altered and repealed, as far as regarded the port of Currituck, an act passed in 1754, laying a tonnage duty of powder and lead, for the defence of the province, on every vessel entering any of its ports, to which it substituted a duty of two shillings and six pence per ton, in money; the alteration was deemed not only improper and impolitic in itself, but inconsistent with the instructions, given from time to time to the governors of the several colonies in America, requiring

them to endeavour to procure laws for imposing a tonnage duty in powder, on all vessels trading there, payable in kind, without any commutation.

The lords commissioners of trade and plantation, expressed their disapprobation of an act, which had been assented to by the governor, and had already had its effect, authorizing a lottery for the improvement of the navigation of New river; a mode of raising money, which, they observed, ought never to be countenanced nor admitted in the British colonies, where the nature of the constitution did not embrace the regulations and checks, necessary to prevent fraud and abuse, in a matter so peculiarly liable to them. The lords also expressed the great concern they felt, in observing, that the lower house had availed themselves of the necessity of raising money, in the month of April, 1761, for the public service, to tack a clause, for the appointment of an agent, to the aid bill; they said, the irregularity of this practice, and the many evils and inconveniencies which must necessarily flow from it, were too obvious to need any animadversion, and they desired governor Dobbs, when the appointment of Couchet Jouvencel should expire, to recommend to the houses to pass a separate bill for the appointment of an agent, and not to consent, upon any pretence whatever, to an appointment made in any other manner.

The necessity there was for the immediate establishment of courts of justice, induced the governor to issue writs of election, and the legislative body was convened at Newbern in the first days of November.

The governor congratulated the houses on the late success of the British forces in the West Indies, by the capture of the islands of Cuba and Grenada, which in-

sured to the king all the trade of the northern coast of Spanish America, and was the earnest of a speedy and honorable peace. He observed, that the immediate object he had in view, in calling them together, was to lay before them the repeal of the court laws, which he was about promulgating by proclamation, and of the other minor acts, which had also received the royal disallowance.

He said, he would lay before them the reasons which had induced this exertion of the prerogative of the crown, and he hoped they would be convinced, they could not promise to themselves any advantage, by an opposition to the king's just rights and a disobedience to his instructions; he alluded to the severe reprimand, his too ready compliance with their solicitations had brought on him, and assured them, that for the future, if any clause contrary to any of the king's instructions was introduced in any bill, he should certainly reject it, however important and proper it might appear in other respects.

He besought them to bestow their immediate attention on the establishment of courts of justice, to promote the establishment of schools, amend the inspection laws, and allow premiums on the exportation of hemp and flax.

He concluded by observing, that as he had not the king's command to require any aid, it would suffice to lay a small tax, to meet the contingent expenses of the province, and support the garrisons or forts, for the security of commerce and the protection of the king's stores, at the approaching end of the war.

A bill was introduced in the lower house, dividing the province into five districts, Edenton, Newbern,

Wilmington, Halifax and Salisbury, establishing a superior court of law in each, to be held in the four first districts by the chief justice, and in the latter by an assistant judge.

The upper house, on the second reading, expunged the clause for the appointment of the assistant judge for the district of Salisbury, and introduced one for that of two associate justices for the whole province; and another, providing for courts of oyer and terminer, to be held by such commissioners as the governor might from time to time appoint. These alterations were negatived in the lower house. On the third reading, the upper house insisted on their amendments; they observed, it was highly improbable, that the chief justice could attend the courts of four districts with regularity, even if no accident happened that might detain him at home; that the moderate provision made for the assistant judge of the district of Salisbury, and the liberty allowed him to practice as an attorney in the courts of other districts, were liable to many and palpable objections; that the king had, by his prerogative, the right to appoint at pleasure courts of oyer and terminer, and direct commissions to any person he pleased; a right which had never been contested as productive of any bad effect to the subject, and although he needed not the authority of an act to exercise this prerogative, it was doubted whether such courts could enforce the attendance of jurors.

The lower house admitted the advantage which the province would derive from having associate justices, and would rejoice to obtain such officers, if it could be done on a footing that would allow the probability of their answering the end of their appointment; but they

believed it better to submit to all the inconveniences mentioned in the message of the upper house, than to run the risk of having men obtruded upon them, strangers to their laws, holding their offices on the precarious tenure of the pleasure of the commander in chief. They offered to concur with the amendment relating to courts of oyer and terminer, provided the governor should be authorized to grant commissions for holding those courts to the chief justice and assistant judge; they declared themselves willing to increase the salary of the assistant judge, and saw no inconveniency in allowing him to act as an attorney out of his court, a practice not uncommon in the mother country.

The upper house next proposed to pass the bill, if to the clause appointing the assistant judge of the district of Salisbury, one was substituted, providing for the appointment of an associate justice for the whole province, with as handsome salary and equal powers as those of the chief justice; and on the refusal of the upper house to concur with this proposition, the bill was rejected.

Another was then introduced, passed both houses and received the governor's assent, establishing a court, to be stiled the superior court of justice, in the districts of Edenton, Newbern, Wilmington, Halifax and Salisbury, to be composed, in the first four districts, of the chief justice and one associate, appointed for each district, and in the latter district, of the chief justice and an assistant judge. The sessions of the court were to be semi-annual; the chief justice was allowed twenty-six pounds for each court he held, besides fees, and the assistant judge twenty-five pounds, the associate justices were to receive neither salary nor fees, except

when holding the court in the absense of the chief justice, when they were to receive twenty-six pounds. No suit was allowed to be brought in the superior court in cases in which the sum in dispute was less than ten pounds. The act was to be in force for two years.

An inferior court was established in each county, composed of justices of the peace; it was to be held quarterly, and its jurisdiction was confined to personal actions, wherein the sum claimed was more than four and less than twenty pounds. The act establishing it was limited in its duration to the same period as the superior court act.

While the bill was on its second reading in the upper house, it was amended by the insertion of a clause, providing, that a part of it, inflicting a penalty, in a certain case, should not be construed to extend to persons, qualifying under a general commission of the peace. This amendment was stricken out in the lower house, and when it was on the third reading in the upper, the reinstatement of the amendment was insisted on. The lower house replied, that the amendment was unnecessary, as they knew of no such commissions in use in the province, the introduction of them could have pernicious consequences, and they were of opinion, that they were against law.

The upper house, in a second message said, they, saw, with surprise and concern, a manifest want of decorum and decency in the language of the lower house, in taxing them, as a branch of the legislature, with insisting upon the introduction of commissions

unknown, contrary to law and pernicious in their consequences, charges, which they could not pass over in silence, while they were convinced, that the house could not be ignorant, that general commissions, to enable the members of the king's council and the officers of the crown, to act as conservators of the peace, in the several counties of the province, were neither unknown, contrary to law nor pernicious in their consequences: they insisted on their amendment.

The lower house expressed their sorrow, that their message should have been so misunderstood, as to be thought void of decency and decorum; and if the mode of expression alone was to justify the singular complexion of the message of the upper house, they despaired of ever being able to avoid the imputation of a want of decency or decorum.

They expressed their full satisfaction, that general commissions, to enable the members of the king's council and the officers of the crown to sit as judges of the inferior courts, were not only altogether unnecessary, but as they could be of little benefit, and might be prejudicial to the public; they thought the introduction of them ought to be avoided. It was needless to make it a question, whether they were against law, no part of the bill tending to invalidate them, and, if they should be against the constitution (and the house thought they were) it would be improper to give a sanction to them: they therefore, declined reinstating the clause.

The upper house disclaimed any intention of obtaining any sanction for general commissions, or of

sitting as judges of any inferior court, without first qualifying in the mode prescribed by the bill; they said, that such commissions had been in use in the province as well as in many others, and required no sanction, but that of the prerogative from which they flowed: they only insisted that the persons, acting under them, should not be liable to the penalty. They proposed, that the expression should be varied and the clause declared not to be construed to extend to members of the king's council, secretary, attorney general, &c., qualifying in council under a general commission of the peace.

They added, that they had been induced to send this second message, solely from a consideration of the utility of the bill, and, if the house did not choose to concur, after this explanation, they hoped they would not, in the judgment of unprejudiced persons, be blamed for the fatal effects that might flow from an ill judged obstinacy.

The lower house proposed, that, the section, to which the clause was proposed to be added, should be wholly stricken out, or be confined to justices of the inferior courts, or justices of the peace for any county in the province.

They observed, that, as either of these alternatives would clearly and fully exempt general commissioners of the peace, when properly established, from the penalty to which ordinary justices of the peace, misbehaving themselves might be subjected; they hoped the upper house, if they did not accede to one of the propositions, would offer some other mode, which did not obliquely ratify a commis-

sion, which, it was believed, had not, and for any thing that was known, would never have an existence.

They concluded, that whatever might be the consequence of the dispute, they would have the satisfaction to think it had not its rise with them, and doubted not, that, if the bill miscarried, every unprejudiced person would easily distinguish between abetting and opposing a measure, that must be confessed a novelty in the constitution.

The altercation ended by an acceptance, on the part of the upper house, of the second alternative.

Provision was made for the establishment of an orthodox clergy, and encouragement held out to pious and learned ministers to settle in the province. An act was passed, introducing valuable improvements in the management of the estates of orphans and the care of their persons; the negotiability of promissory notes, the relief of poor debtors, the extension of public roads and the destruction of vermin.

The county of Anson was divided, and the upper part of it erected into a distinct county, to which the name of Mecklenburg was given, in honor of the new queen.

A number of stores had been established at a commodious landing, on the north side of Neuse river, in the lower part of the county of Dobbs; and, at the request of individuals who had removed thither, a town was established on this convenient spot; it was called Kingston, a name which, after the revolution, was imagined would be rendered

more agreeable, by being deprived of its fourth letter.

The trade of the counties of Anson and Rowan, which began to increase, was observed to center in Charleston, with a view to prevent a division of the wealth of this part of the province, and cause it to flow down towards Wilmington, a town was established on the north west side of Cape Fear river; it was called Campbelton. This is one of the very few instances, in which the expectations of the legislature, in establishing a town, were not deceived. The spot afforded a convenient landing, the stores, however, were chiefly built at the distance of one mile from the river, at a place called Cross creek. In the year 1784, the place was called Fayetteville, in compliment to a French nobleman, who distinguished himself by his zeal for the American cause, during the revolutionary war.

The houses united in an address to the king, for the removal of the seat of government from Tower Hill to Newbern, a measure in which, however, they were far from being unanimous. In the upper house John Rutherford, Lewis Henry, de Rosset and John Sampson, protested against the resolution for concurring with the other house.

The protest admitted the propriety of removing the seat of government from Tower Hill; but denied the expediency of fixing it, for the present, at any place, more particularly at Newbern; for, the southern boundary of the province being, as yet, unascertained, and the territorial controversy with South Carolina not likely to be soon terminated, the

step appeared precipitate, and perhaps indecent, while the contested points were soon to be laid before the throne, for the royal determination. The impropriety of fixing the seat of government was in their judgment glaring, the town of Newbern, being neither central nor on the best navigation, and deficient in good water.

The measure was carried in the lower house by a very small majority, and in the other by the casting vote of the president, James Hasel. The members who voted for it, were Richard Spaight, Henry E. M'Cullough and Alexander M'Cullough.

The definitive treaty between their Britannic, most Christian and Catholic majesties, was signed at Paris, on the 10th of February.

On the 5th of March, a charter was granted to the town of Wilmington, its precincts and liberties, constituting a borough, with a mayor and aldermen's court, having a limited jurisdiction of suits between the inhabitants and transient persons, not residing in the province, with other privileges. The same favor was afterwards granted to the towns of Newbern, Edenton and Halifax.

As the removal of the French and Spaniards from the vast extent of country which extended between the province of Georgia and the river Mississippi, which were now ceded to Great Britain, caused an alarm and increased the jealousy of the neighboring tribes of Indians, the ministry thought it indispensably necessary to take the earliest steps to prevent their receiving any unfavorable impression, to gain their confidence and good will, without which, it would be impossible for the nation to reap the full benefit of its acquisitions in that part of the

world. It was believed the French and Spaniards, in Louisiana and Florida, had long, and too successfully, inculcated an idea among the Indians, that the English entertained a settled design of extirpating the whole Indian race, with a view to possess their lands; and that the first step towards carrying this design into execution, would be to expel the French and Spaniards, the real friends and protectors of the Indians. With a view of preventing the ill effects of those suggestions, the governors of Virginia, the Carolinas and Georgia, were directed, without loss of time, to invite the chiefs of the Creeks, Choctaws, Chickasaws, Cherokees and Catawbas, to a meeting with them and the superintendant of Indian affairs, for the southern department at Augusta, in the province of Georgia, to apprise the Indians, in the most prudent and delicate manner, of the change which was about to take place. It was recommended in doing this, not only to avoid every expression which might awake the fears, or point out the dependence of the Indians upon the British, but to use every means to quiet their apprehensions and gain their good opinion.

For this purpose, the governors were directed to recur to the original causes of the war with the French, to mention and dwell upon the several cruelties they exercised during the course of it, the arts they employed, the groundless stories they propagated among the Indians, in order to excite their jealousies, to alienate their affections from the English and to provoke them to commit such violences, as the king was at last compelled to resent: that, by the same insidious arts, they had so far wrought upon the credulity of the Spaniards, as to involve them in their quarrel and its consequences; that, through the special favor of providence, the wisdom of

the king and the courage of his troops, all their mischievous practices had been discovered and defeated.

They were advised to impress on the minds of the Indians, that in order to prevent the revival of such disturbances and troubles, by repetitions of the same dangerous proceedings, the king had found himself obliged to insist, in the treaty of peace, that the French and Spaniards should be removed beyond the river Mississippi, to the end, that the Indians and his people might, hereafter, live in peace and brotherly friendship together; and that the English felt a particular satisfaction in the opportunity, which their successes afforded them, of giving to the Indians the most uncontrovertible and substantial proofs of their good intentions and cordial desire to maintain a sincere and friendly correspondence with them: that those proofs would consist, first, of a total forgiveness and oblivion of all past offences, fully persuaded that they were entirely owing to the deceiving arts of the French and no ways to be attributed to any ill will in them; secondly, of opening and carrying on as large a traffic with them as would supply all their wants: thirdly, of a constant attention to their interests and a readiness, upon all occasions, to do them complete justice, and lastly, of the most solemn assurances, that those forts, now ceded to the king, by means of which the French really did intend to subvert their liberty, and accomplish these evil designs which they imputed to the English, should never be employed, but to protect and assist them and to serve for the better convenience of commerce and the cultivation of friendship and good will between them and the king's subjects.

The minister added, that should the Indians retain any jealousy or suspicion, that the forts, situated in the heart of their country, such as Alabama, Tombigbee and fort Loudon, might be made use of for purposes unfavorable to them, and expressed a desire, that they should be demolished, he made no doubt, but that their representations, on that head would be most graciously received and that the king would readily comply with any reasonable request of theirs, in order to give the most satisfactory proofs of his intention to fulfil the friendly declarations which his governors were instructed to make, in his name, to the Indians, of the sincerity of which, it was highly important, they should be convinced, in order to prevent those evils, which would necessarily happen, if their thorough confidence in the king's government was not established on a solid and secure footing.

In order to try every possible method which might contribute towards this object, goods, to the amount of five thousand pounds sterling, were purchased and shipped towards Charleston, to be distributed in presents among the Indians, at the intended meeting at Augusta.

In the latter part of the spring, the king's proclamation was published in America, for the establishment of the provinces of Quebec, East and West Florida.

On the 5th of April, a resolution was introduced into parliament, for a stamp act in America. The minister, however, withdrew the resolution, to allow time for the colonists to petition against it, when brought forward at the next session.

On the 9th of July, lord Egremont addressed a circular letter to the governors of the American provinces,

informing them, that it appearing, that the public revenue had been greatly diminished and the fair trader much prejudiced, by the fraudulent method, used to introduce, into the king's dominions, on the continent of America, contrary to several statutes of the British parliament, commodities of foreign growth, in national as well as foreign bottoms, by means of small vessels, hovering on the coast, and that this iniquitous practice had been carried on to such an extent in America, it had been found necessary, at the last session of parliament, to pass a statute for the improvement of the king's customs, the encouragement of officers making seizures and the prevention of the contraband trade, by which the former statutes, on these subjects, were enforced and extended to the British dominions in all parts of the world, and the king having it extremely at heart to put an end to all practices of this nature, by a punctual and vigorous execution of the laws, made for this salutary purpose, and having ordered, that the most effectual steps should be taken for obtaining that end, the commanders of his ships, stationed in America, would be vested, for the future, with the necessary and legal powers, from the commissioners of the customs, to carry into execution the several statutes, relating to the seizure and condemnation of any ship that should be found transgressing against them. The governors were requested, not only to co-operate with, and assist to the utmost of their power, the commanders of the king's ships, in the execution of the powers and instructions, given them by the commissioners of the customs, but to use their utmost endeavors, by the most assiduous and impartial execution of the laws, to put

an effectual stop to the clandestine running of goods into any part of their respective governments.

In the conclusion of this circular, lord Egremont observed, that it was incumbent on him to say, that the king would not pass over, unnoticed, any negligence or relaxation, on the part of any person employed in his service, on a matter on which he laid so much stress, and in which the fair trade of all his subjects was so especially entrusted.

After the peace, the Reverend Joseph Alexander, D. D., a minister of the presbyterian church, removed from Pennsylvania to South Carolina, and was eminently instrumental in planting churches, both in this province and in North Carolina, at that early period of the settlement of the back country, when both provinces were in a very destitute condition, with respect to religious instruction.

In the fall, governor Dobbs sat off for Augusta, in order to attend a congress of the governors of the southern provinces. During his absence, the government of the province devolved on James Hasell, the counsellor first named in the king's instructions. This gentleman qualified as commander in chief, on the 15th of October.

The Creek, Choctaw, Chickasaw, Upper and Lower Creek, and Catawba nations of Indians, sent some of their chiefs to Augusta, where a treaty was concluded, and their respective territorial claims adjusted, the boundaries of their lands ascertained, and regulations adopted to secure the trade and good understanding, between the red and white people.

Governor Dobbs, on his return to the province, met a new legislative body, on the 3d of February, at Wilmington. After communicating to the houses, the

success of his journey to the province of Georgia, he informed them, that having no orders to require any aid, he had only to recommend, that the men raised for Fort Johnston and Fort Granville, might be kept in pay, to take care of the forts and stores, until the king gave orders for their being garrisoned by regular troops. He drew the attention of the legislature, to the great quantity of worn out, defaced and counterfeited bills in circulation: and recommended an emission of paper money, by which the former bills might be taken out of circulation and replaced. He deplored the great want of clergymen in the parishes; twenty-four out of thirty, being without a minister, and recommended, that the salary of clergymen might be levied in all, even those that were unprovided with one, in which the money thus raised, might be appropriated to the purchase of glebes and the erection of churches. He again urged the allowance of a bounty, on the exportation of hemp and flax.

The lower house replied, that an emission of paper money would be attended with a considerable expense, and it would suffice, if the sheriffs and treasurers were to exchange such ragged and torn bills as might be offered to them, and these were burnt at the meeting of the legislature. They admitted the great want of clergymen; but added, sufficient provision was already made, in proportion to the ability of the people; and there were large sums appropriated for the purchase of glebes and the establishment of schools, under a suspending clause, until the king's pleasure was known, which had been borrowed for the service of the late war, and since, in part, for contingencies.

The governor laid before the house a letter from lord Egremont, of the 27th of November, 1762, directing him to express to the assembly, his high disapprobation of their conduct, and undutiful behaviour in obstinately persisting to refuse any aid, or to raise men for recruiting the troops, whereby they had incurred the king's displeasure. The letter concluded, by communicating the king's approbation of governor Dobbs' resolution, to raise the one hundred and thirty-four recruits required by Sir Jeffry Amherst, notwithstanding the assembly had refused to concur in any measure for that purpose.

In the message, by which this letter was communicated, the governor expressed his hope, the house would approve of his having advanced his money, for a service which was so agreeable to the king, and the drafts for four hundred pounds sterling, which he had drawn upon the agents in London, for his own reimbursment. The house resolved, *viva voce*, that they could not approve of the governor's drafts.

On the third reading of a bill, for defraying the expenses of the members of the legislature, the lower house substituted the word *board*, for the word *house*, as applied to the upper house. The members of the latter were much nettled at the alteration, and a preliminary message was sent, to know whether the house would adhere to it. It was answered, that the words *board* and *house*, appeared, on examination, to have been indiscriminately used in reference to the upper house; but, to prevent misunderstanding, the lower house were willing, if the word *board* was disagreeable to the members of the other, to substitute for it, the word *council*.

The upper house replied, that to debate about words would be frivolous, if they did not tend to introduce a dispute about things and powers, and as the house was determined to maintain and support firmly, the powers and authorities with which the king had invested them, they should not permit the lower house to call them by any other name, less respectable than that of *house*; and if the bill was not amended by reinstating that word, they would not pass that, or any other bill, nor act on any resolve or estimate.

The lower house expressed their concern, that a name, in every respect dignified and honorable, implying wisdom and deliberation, and which his majesty had been pleased to confer, should become so strangely disagreeable, as to produce a message threatening destruction to all bills, however serviceable they might be to the public, unless the lower house agreed to the alteration of the name so anxiously desired to be rid of. They added, they could not help considering the message as inflammatory in its tendency, and obstructive of the public service in its consequences, and quite inconsistent with those professions of regard to the public, made on several other occasions, and the duty of each branch of the legislature, to the king's subjects inhabiting the province. They observed, it was very immaterial to the king or his subjects, whether laws were enacted by the governor, council and assembly, or by the governor, the upper and lower houses: the advantages derived from them, being always in proportion to the wisdom of their formation: they concluded that, more attentive to the interest of the public than to things and powers, which, they persuaded themselves, would neither be changed nor increased, by the proposed alteration, than

to sounds, they would, for the sake of peace and harmony, readily agree to the word *house*.

The upper house rejoined, that if they were to consider their feelings, in preference to the desire they had of preferring the public good to all other considerations, they should think themselves well justified in animadverting on the spirit of aggravation manifested by the lower house; but, as they had received that public satisfaction, which they were unanimously of opinion, their duty to the crown, the public and themselves, laid them under the necessity of insisting upon, they would proceed to give the bill all the despatch in their power. But, at the same time, they were to observe, that their objection to the word *council*, did not proceed from an opinion, that it was in the power of the lower house, to give them a more honorable appellation; but, from a resolution of being addressed in their different capacities by proper and adequate titles. They flattered themselves the resolution they had taken upon this dispute, would never appear improper in the eyes of unprejudiced persons; and their proceedings would evince, that their desire of promoting the public good was as sincere, as that of those who were clothed with the specious title of representatives of the people.

A bill having been introduced, and passed the lower house, for appointing Couchet Jouvencel agent of the province, the upper house insisted on a proviso, making one of the members of that body one of the quorum of the committee of correspondence, and the lower house refusing to concur, the bill was rejected: whereupon, the lower house, by a resolve, appointed that gentleman agent of the province for eighteen months, with a salary

of two hundred pounds sterling per annum, and appointed five of their members a committee of correspondence.

A chart of the sea coast, having been made by Daniel Dunbibbin, was this year published by his widow, to whom the legislature allowed a small premium.

The distance of Newbern, where the only printing office in the province was established, from Wilmington, which had become the seat of government, impeding public business, a committee of the legislature were directed to procure a printer to settle at Wilmington.

One commissioned officer and ten men, and one officer and four men, were kept in pay for fort Johnston and fort Granville.

A bounty of sixteen shillings and four pence on every hundred weight of hemp raised in, and exported out of, the province, and of thirteen shillings and four pence on every hundred weight of flax, were allowed. The militia and vestry acts were revised; in the former, Presbyterian ministers were exempted from militia duty, which is the first instance of any indulgence granted by law to non-conformists. A new county was established, out of part of those of New Hanover and Bladen, to which the name of Brunswick was given, in compliment to the hereditary prince of Brunswick, who married, this year, princess Augusta, the king's eldest sister; and a part of the county of Granville was erected into another, called Bute, in honor of the earl of Bute. An act was passed for the erection of a school house in the town of Newbern, which is the first effectual act for the encouragement of literature.

Great Britain, at the conclusion of the late war, in which her flag had been that of victory on every sea,

found her already too great dominions enlarged by the accession of vast territories in both the Indies; heavy, however, was the burden of such triumphs and conquests; she groaned under the weight of a debt, the interest of which was alone above her resources; the ingenuity of her ministers had been exhausted in quest of new objects of taxation, or in search among the old, for any that might bear a heavier pressure. On the contrary, new objects of expenditure daily presented themselves; treasures were wanted for the purpose of bringing her new acquisitions into value and to retain France in awe, who was soured by the humiliations of the war and the sacrifices of peace; the security of the present, and the felicity of the future, loudly called for new and prompt pecuniary supplies.

In this dilemma, the mother country cast her eyes towards her colonies; as members of the empire, it was just they should contribute to its defence and splendor; this position the provinces of the new world were not inclined to controvert; but they had always asserted the right of determining on the expediency and extent of the contribution. It was imagined in Great Britain, that the moment of a glorious peace might afford a favorable opportunity of obtaining the acquiescence of the colonists to a tax imposed by parliament; accordingly, on the tenth of March, the British house of commons resolved upon several duties on imports and exports, to and from the British colonies and plantations in America, the whole amounting, however, but to an inconsiderable sum; among the other resolutions, one was, that it was proper to charge certain stamp duties in the colonies and plantations; it was a mere abstract proposition,

which was not accompanied by any bill or resolution to carry it into practice.

In the course of the summer, the committee of the legislature having contracted with Andrew Stewart for the printing of the laws of the province, he set up a press in the town of Wilmington. The leisure which this measure afforded to James Davis, the printer at Newbern, induced him to employ his time in the publication of a periodical paper; the first number of it made its appearance towards the first of June, under the title of the North Carolina Magazine, or Universal Intelligencer; it was printed on a demy sheet, in quarto pages, with a view to its being bound; this was the first publication of the kind attempted in the province since its first settlement, almost a century after the date of the original charter; it was for a great number of years a very jejune and vapid paper, filled with long extracts from the works of theological writers, or selections from British magazines, the want of a regular post office establishment rendering the news department quite insignificant.

Andrew Stewart was not long in the province, without imitating Davis's example in this respect; towards the first of September, he issued the first number of the North Carolina Gazette and Weekly Post Boy; the town of Wilmington having the advantage of a good navigation, being often visited by European vessels, and having already a regular trade with Charleston, the latter paper contained the earlier and more general intelligence.

Governor Dobbs having obtained leave of absence, William Tryon, a colonel in the queen's guards, was sent over as lieutenant governor of the province; he

reached it late in October, and was qualified at Wilmington on the 27th of that month.

The legislative body held its second session at Wilmington, on the 25th; governor Dobbs, in opening it, recommended to the houses to employ the calm moments of peace in the improvement of the domestic polity of the province, particularly to lay a small tonnage duty for the improvement of its navigation; and raise a small fund for the contingent expenses of government, and the premium allowed on the exportation of hemp and flax; he advised, that this might be done by increasing the duty on wines and spirituous liquors.

The lower house expressed their grateful sense of the goodness of the Divine Providence, manifested during a long and expensive war, now terminated by a safe, glorious and honorable peace.

They observed, that as the tax on trade, lately imposed by parliament, must tend greatly to the hindrance of commerce, and be severely felt by the industrious inhabitants of the province, they hoped the bounty granted by parliament on the culture of flax and hemp, would be thought a sufficient encouragement for those who export those articles, and it would be more for the interest of the province, to apply the premium granted by the late act of assembly, as an encouragement to the manufacture of those commodities; they thanked the governor for the concern he expressed for the improvement of the navigation of the province, and assured him that although they saw with regret, their commerce circumscribed in its most beneficial branches, diverted from its natural channel and burdened with new taxes and

impositions, laid upon them without their privity or consent, and against what they esteemed their inherent right and exclusive privilege, nothing should be wanted on their part to ease the trader, as far as in their power, of the heavy expenses attending the exportation of their commodities, and to remove, as far as possible, every incumbrance with which the commercial interest was clogged. The governor thanked them for this acknowledgment of the goodness of Divine Providence, in the conclusion of the war, but thought them very remiss in their duty in not returning thanks to the king, the happy instrument, in the hands of that Providence, in accomplishing so happy an event; he added, that as the rest of their address had no reference to, or was inconsistent with, what he had recommended to their consideration, he would return no answer to it, but he knew of no heavy expense attending the exportation of the commodities of the province.

The house of representatives of the province of Massachusetts, addressed a representation to the speakers of the assemblies of all the provinces, on the subject of the late proceedings of parliament, in regard to the restriction on their trade, the stamp duties, &c., on which the lower house appointed a committee, consisting of their own speaker and four other members, to express their concurrence with the sentiments of the house of representatives of Massachusetts.

A sum of one hundred and thirty-three pounds, six shillings, was appropriated for an allowance to the post master general, for establishing a mail for one year, from Suffolk to the southern boundary of the province.

The establishment of Fort Granville was discontinued; that of Fort Johnston was continued for one year.

At the request of the governor, the lower house caused a statement to be made, of the different emissions of bills of credit and treasury notes, thrown into circulation since the year 1748, and of the currency called in by duties and taxes, and burnt, and it appeared, that the amount in circulation was seventy-five thousand and thirty-two pounds, four shillings, for the redemption of which an annual poll tax of four shillings, and a duty of four pence on liquors, were laid.

A bill, which had been introduced into the upper house, for the appointment of a printer to the province, having been rejected in the other, the governor communicated this circumstance in a message, announcing to the lower house, that he had appointed Andrew Stewart printer to the king, and required them to make provision for his salary: the house refused to comply and entered into a resolution, that they knew of no such office, and of no duty, fees or emoluments incident thereto, and the appointment was of a new and unusual nature, unknown to the laws, and a violent stretch of power.

The governor informed the house, by a message, that it was the king's undoubted prerogative, to appoint a printer to print his proclamations, the orders of government, and his laws; that, in England, the house of commons appointed a printer, to print their votes and resolutions only; that when the printing of the king's orders, proclamations and laws, was attended with an expense, it was the duty and privilege of the lower

house, to raise and provide an adequate sum. He, therefore, repeated his request. The house answered, they did not deny the king's prerogative; but they were of opinion, the appointment of a printer to the province, was the inherent right of the people they represented; and, although they deemed it inconsistent with their duty to their constituents, to burden them with the salary of an officer, in whose appointment their concurrence was unnecessary, they would allow to Andrew Stewart, one hundred pounds, as a compensation for his trouble and expense in coming to the province, out of the contingent fund.

Very few acts were passed at this session: the court laws, which were about expiring, were continued: some amendments were made to the pilotage and inspection laws.

In closing the session, governor Dobbs observed, that, it being probable he should meet them again before his departure, he would prorogue them for a short time; and that, in case he received any command from the king, he might call them again. He added, it was his duty to inform the lower house, that by hasty and inconsiderate resolutions, suffering themselves to be overruled by young members, not rightly acquainted with the constitution of the mother country, or the colonies, they had interfered in the exercise of the executive powers, which the king had delegated to the governor, by attempting to dispose of moneys, already raised and unappropriated, arising from the surplus of certain funds, and the service for which they were granted. He concluded, that in what manner soever this advice was received, he should ever think it his duty, to lay the loy-

alty of the inhabitants of the province before the king, in the most favorable light.

In the complimentary addresses, which the announced departure of the chief magistrate called from the houses, the upper house testified their high sense of the many and important services derived to the province, during his administration, while the other spoke only of his zeal in promoting the rights of the crown: they said, that his faithful representation of their loyalty, and known attachment to their sovereign, was an office of right, to which they hoped they were entitled, and from thence doubted not of its being faithfully performed.

On the rise of the legislature, accounts reached the town of Wilmington, of some serious disturbances in the county of Orange, the cause or pretence of which, was stated to be, the exactions of the clerks, registers, and some of the attorneys, in requiring illegal and exorbitant fees. Governor Dobbs, with a view to remedy this evil, issued his proclamation, forbidding such illegal practices.

He did not live to perform his intended voyage; but died at his seat on Town creek, in the county of Brunswick, near the town of that name, on the 28th of March, in the 82d year of his age.

The gentlemen, who sat in council during governor Dobbs' administration, were James Hasell, Mathew Rowan, James Murray, Francis Corbin, John Dawson, Lewis H. de Rossett, John Rieusett, James Jones, John Swann, John Rutherford, Richard Spaight, Edward B. Dobbs, Charles Berry, John Sampson, Henry E. M'Cullough, Alexander M'Cullough, William Dry, Robert Palmer and Benjamin Herron.

The chief judicial seat was successively filled by James Hasell, Peter Henley, and Charles Berry. George Nicholas, Joseph Anderson, Charles Elliot, and Thomas Childs, served in the office of attorney general.

Chalmers—Marshall—Records.

CHAPTER VII.

WILLIAM TRYON was qualified, as commander in chief of the province, on the 3d of April, 1765, in the town of Wilmington.

In the latter part of the winter, George Whitfield, a celebrated Methodist preacher, visited this province, on his way from Charleston to Boston. He preached in several of the principal towns, and, generally, to a large audience.

Great riots happened in the county of Mecklenburg, in the beginning of the month of May. Henry E. M'Cullough, a member of the council, who acted as attorney of George A. Selwyn, who possessed large tracts of land in that county, having employed John Frohock to survey them, a number of armed men, in disguise, with their faces blackened, forcibly compelled him to desist.

The lieutenant governor met the legislative body, on its third session, in the town of Wilmington, on the 3d of May.

After a short encomium on his predecessor's administration, he advised the houses to improve the hour of tranquility in promoting the internal polity of the province: as one of the best means of doing so, he recommended a strict inquiry into the state of the public funds and an inviolable observ-

ance of public engagements. He added, he was instructed to request the passage of a bill, making a better provision for an orthodox clergy and pointed out the necessity of establishing a clergyman in each parish, whose salary should be paid out of the public treasury. He advised such gentlemen, as were members of the church of England, to reflect on the present state of that church in the province, and the little prospect there was of its ever being properly established, if they any longer suffered the clergy of their profession, to lie under so general neglect. He further added, he grounded his assertion on the increasing number of sectaries, who, in a short time, might find themselves the majority of public assemblies; each of whom, might then possibly incline to establish his own persuasion, in preference to the established religion at home: he expressed his hopes that, from these observations, it would not be concluded he was an enemy to toleration; he professed himself its advocate, but observed, he had never heard toleration urged in any country, as an argument to exempt dissenters from their share of the support of the established church.

He recommended to the lower house, to make some provision to enable the postmaster general to establish a line of post roads through the province of North Carolina.

A committee of the legislature was appointed to contract with the postmaster general, for conveying the mail from Suffolk to South Carolina, and an appropriation was made for that purpose. A clergy act was passed, directing the church wardens to

provide a sufficient glebe and allow a salary of one hundred and thirty-three pounds eighteen shillings to a minister in each parish.

Rumours were prevailing through the continent, that the stamp act was passed by parliament, although it did not receive the king's assent till the 22d of March; a great ferment ensued: information reached the province, of great murmurs among the people, principally in New-York and Philadelphia; the lieutenant governor, apprehensive that the lower house were about to enter into some resolutions, expressive of their sentiments on that subject, suddenly prorogued the legislature on the 18th of May, until the 30th of November, to meet at Newbern.

A general consternation now pervaded the American provinces. In the city of New-York, the act was printed and hawked about the streets, under the title of *The folly of England and the ruin of America*: in that of Philadelphia, the guns at the fort and the barracks were found spiked, to the great surprise and uneasiness of the inhabitants. The legislature of the province of Virginia, being in session when accounts of the passage of the bill, reached Williamsburg, the house of burgesses took this fatal measure into consideration. After premising that the British house of commons had drawn into question, the power of the general assembly of the province, to enact laws for laying taxes and imposing duties on the inhabitants, they resolved, (in order to fix the true principle of the constitution) that the first settlers of the colony of Virginia brought with them, and transmitted to

their posterity and all other subjects of the king, residing in the colony, all the rights and privileges enjoyed by the people of Great Britain, and their rights, in this very important respect, were afterwards acknowledged by two royal charters; that the colonists had enjoyed the right of being governed by their own legislature, in the article of taxes and internal polity, a right which they never had forfeited or yielded up, but which had been constantly recognized by the king and people of Great Britain; that the general assembly of the colony, together with the king's representative, had the exclusive right to levy taxes and impositions upon the inhabitants, and that every attempt to vest such a power in any other person or body of men, was illegal, unconstitutional and unjust, and had a tendency to destroy British, as well as American freedom.

Meetings of the inhabitants of the towns of Edenton, Newbern and Wilmington, were called, and in each, resolutions were entered, expressing their utter abhorrence of the late measures of the British parliament and a hearty concurrence with the sentiments expressed by the inhabitants of the northern provinces. The consternation, thus excited, was increased by a renewal of the disturbances, in the county of Orange, which had now spread into the adjacent county of Granville. The great scarcity of a circulating medium was now severely felt in those parts of the province, distant from the commercial towns, and the distresses attending the recovery of comparatively small sums, by the expensive process of a suit in the superior court, enhanced perhaps by

the misconduct of some of the officers, had excited murmurs, which were now succeeded by combinations to seek relief and redress. On the 6th of June, a paper was circulated at Nutbush, in the county of Granville, entitled "a serious address to the inhabitants of the the county of Granville, containing a brief narrative of our deplorable situation and the wrongs we suffer and some necessary hints with respect to a reformation." It had for epigraph, this line of Pope, *save my country, heavens, shall be my last*, the writer was an illiterate man, but the sentiments were expressed with clearness, force and energy.

In the month of June, the house of representatives of the province of Massachusetts unanimously agreed to propose a meeting of committees of the houses of representatives or burgesses of the several British provinces, to consult together, on the circumstances of the colonies and the difficulties to which they were, or must be reduced, by the operation of the acts of parliament, for levying duties and taxes on the colonies, and to consider of a general united, dutiful, loyal and humble representation of their condition to the king, and to implore relief. The speaker was directed to address the speakers of the respective assemblies and to inform them that the house proposed such a meeting to be held in the city of New-York, on the first Tuesday in October, and had appointed their members to attend that service.

In the town of Providence, a meeting of the freemen [was called early in August, "to confer on such

measures, as should appear to them, necessary, relative to the stamp act, whereby the darling boast of the British North American subjects, which were once deemed indefeasible, must be greatly abridged, if not totally annihilated." At this meeting, their representatives were instructed, strenuously to resist the incroachment.

Similar steps were, at the same time, taken in the province of South Carolina.

In the town of Boston, two effigies were found hanging, on a limb of a great tree, at the southern extremity of the town, early in the morning of the 14th of August. By the label, fastened to one of them, it appeared designed to represent a stamp officer, the other was a jack boot, with a head and horns, peeping out at the top. A great concourse of people soon assembled, whose ardor was much inflamed by that sight. The images were taken down, placed on a bier, supported by six men and carried in procession, through the town, followed by a multitude of people of all ranks, in regular order, crying liberty, property, no stamp. They marched to a building, lately erected, which was supposed to be intended for a stamp office and razed it to the ground; then taking up the wood work of it, they carried it in procession, with the images, to Tree Hill, where they demolished the barn and fences: they were about returning, when the indiscretion of a person within inflamed them to such a degree that they entered the house and did considerable mischief.

On the following day, the person, who had been appointed stamp master, resigned his office. The populace assembled again, intending further mischief, but hearing of this circumstance, proceeded to his gate, gave three cheers and dispersed quietly.

In the province of Connecticut, Jared Ingersol, the stamp master, was compelled to resign his office.

On the 27th of August, the people of the town of Newport, in the province of Rhode Island, brought forth three effigies in a cart, with halters about their necks, to a gallows, about twenty feet high, erected near the town house, where they were hanged, cut down and burnt, at the acclamations of thousand. On the next evening, they assembled again and beset the houses of Martin Howard and Thomas Mossat, which they burnt and destroyed, with the furniture, leaving them mere shells. They proceeded down to the house of Augustin Johnson, the stamp master, with the intention of destroying it also, but it being represented to them that it was the property of another person, they insisted on his furniture being surrendered to them: they were, however, pacified on his resigning his office. Martin Howard and Thomas Mossat, finding the resentment of the people highly risen against them, thought their persons in danger and sought shelter on board the Syren ship of war, in which they sailed for England.

Early in the month of September, the stamp paper, for the use of the provinces of New England, arrived at Boston, but governor Barnard, by the advice of the council, lodged them in Castle William. This measure averted fresh tumults, for the populace had determined on making a bonfire of them; and some individuals expressed great chagrin at the disappointment.

On the 20th, the lawyers, attending the supreme court of New Jersey, at South Amboy, had a meeting, at the request of the chief justice, and, after protesting against all kinds of riotous or indecent behavior, which they resolved to discountenance, by all means in their power,

determined, by an absolute refusal to make use of the stamps and other quiet methods, to endeavor to procure the repeal of the act.

The legislature of the province of Maryland met in the latter part of the month of September, but the confused situation of the country prevented them from entering on business. The lower house appointed a committee, according to the recommendation of the house of representatives of the province of Massachusetts, and entered into a number of resolutions, nearly in the same spirit as those of the house of burgesses, of the province of Virginia.

On the 5th of October, the stamps, for the use of the province of Pennsylvania, reached the port of Philadelphia. The ship which brought them, had stopped for a while at New Castle, under the protection of a ship of war, which came up with her. As soon as these ships appeared round Gloucester point, all the vessels in the harbor hoisted their colors half staff high; the bells were muffled and kept tolling till the evening; every countenance adding to the appearance of sincere mourning. At four o'clock in the afternoon, several thousand citizens met round the state house, to consult on the means of preventing the execution of the stamp act. It was agreed to send a deputation of five persons, to John Hughes, the stamp master, who was confined to bed by sickness, to request he would resign his office. He readily declared, that no act of his would assist in carrying the act into effect, till it was generally complied with. When the committee returned to the state house and made their report, the citizens were enraged and could, with great difficulty, be prevailed on not to proceed

to violent measures, notwithstanding the committee represented the stamp master, as at the point of death. However, yielding to the compassion which this circumstance excited, they determined on making their application in writing and giving their townsman some time to determine on his reply. Accordingly, on the Monday following, the committee, who had again called on him, brought his written declaration, that he had not hitherto, taken any step, tending to put the late act of parliament into effect within the province, or in any of the counties of New Castle, Kent and Sussex, to which his commission extended, and that he would not, either by himself or his deputies, do any thing, that should have the least tendency to put the act into execution, unless it was generally carried into effect in the neighboring colonies. On this, the people quietly dispersed.

A congress, formed of a committee from the different provinces, except those of New Hampshire, Rhode Island, North Carolina and Georgia, met, according to the recommendation of the house of representatives of the province of Massachusetts: that of North Carolina was not represented, the lower house not having had an opportunity of choosing members; and, most likely, the absence of gentlemen from the other provinces, unrepresented, was owing to the same cause.

The congress, consisting of twenty-seven members, prepared and forwarded addresses to the king and each of the houses of parliament, and formed and subscribed an instrument, which they dignified

with the appellation of "a declaration of the rights and grievances of their constituents."

In the preamble, the congress stated, that, sincerely devoted, with the warmest sentiments of affection and duty, to the king's person and government and inviolably attached to the actual establishment of the protestant succession, and, with minds, deeply impressed by a sense of the present and impending misfortunes of the British colonies on the continent, having considered as maturely as time would permit, the circumstance of the colonies, they esteemed it their indispensable duty, to make a humble declaration of their opinions, respecting the most essential rights and liberties of the colonists and of the grievances they labored under, by reason of several late acts of parliament.

They declared, that the colonists owed allegiance to the crown, and all due submission to the two houses of parliament, and were entitled to all the rights of subjects born within the realm ; that it was essential to the freedom of a people, to be taxed only with their own consent ; that the colonies neither were, nor could, from their local circumstances, be represented in the British house of commons, and, consequently, their only representatives were in the colony legislatures ; and, except by them, no tax had ever been, nor ever could be imposed on them ; that supplies being gifts, the commons of Great Britain could not, constitutionally, grant away the property of the colonists ; that the trial by jury, was a right of the subject ; that the stamp act, and the other late acts of parliament, tended to subvert that right ; that the duties lately imposed were grievances, and the pay-

ment of them impracticable; that the profits of the commerce of the colonies centering in Great Britain, they, thereby, largely contributed to all supplies; that the late parliamentary restrictions, prevented them from purchasing the manufactures of Great Britain; that the prosperity of the colonies depended on the enjoyment of their rights, and a mutual beneficial intercourse, with the mother country; that it was the right of the subject, to petition king, lords and commons, and the duty of the congress, by a loyal and dutiful address to the king, and a humble application to both houses of parliament, to procure the repeal of the stamp act, and others restricting trade, and extending the jurisdiction of the admiralty.

On the 22d of October, the stamp paper, for the province of New York, was received: the same demonstrations of grief and mourning were exhibited on this occasion, as in the other provinces. Lieutenant governor Colden sent to Mr. M'Ever, to take care of the papers; but he declined having any thing to do with them: they were lodged in Fort George.

In the last week of October, George Mercer, distributor of the stamps, for the province of Virginia, landed at Hampton. He met with some rude treatment from the mob, who, by the interposition of some influential gentlemen, were prevailed on to disperse without any ill consequences following. When he arrived in Williamsburg, as he was waking towards the capitol, on his way to the governor's, he was accosted by a number of gentlemen from different parts of the province, (the general court being then sitting) who insisted on his immediately satisfying the company, which was constantly increasing, whether he intended to enter on the

duties of his office. Seeing himself completely surrounded, he answered, that any reply he might then make would be attributed to fear, and begged to be allowed to wait on the governor and council, in order to obtain correct information of the sentiments of the colony, and afterwards meet his countrymen and give them an answer. This seemed to give satisfaction, and he was accompanied to the coffee-house, where the governor, most of the council and a great number of other gentlemen, were assembled. The crowd, in the mean while, increased, and growing impatient, insisted on a more speedy and satisfactory answer, declaring they would not disperse till it was obtained: upon which, George Mercer coming forward, and promising a categorical answer, by five o'clock the next evening: he met with no further molestation.

At the time appointed, he was met at the capitol by a vast concourse of people, among whom were the principal merchants in the colony, when a committee, chosen for the purpose, informed him, he was then to look upon himself as in the presence of the colony, and demanded the answer he had, on the preceding day, promised them. He then addressed the meeting, in a speech of considerable length, and concluded he would have been glad, to have had it in his power to have acted in such a manner, as would have justified him to his friends and countrymen, in the province, and to the persons from whom he derived his appointment; but the time allowed to him was so short, that he had not been able to discover that happy medium. He therefore, entreated the gentlemen present, to be referred to his future conduct, with this assurance, that he would not, directly or indirectly, by himself or his deputies, pro-

ceed in the execution of the act, until he received further orders from England, and not then, without the assent of the general assembly of the province. This declaration gave so general a satisfaction, that he was immediately born out of the capitol gate, amid the acclamations of all persons present, and carried to the coffee-house, where an elegant entertainment was provided. On his arrival, the acclamations redoubled, drums beat, French horns and other musical instruments sounding. At night the bells were set a ringing, and the whole town illuminated.

In the despatches of general Conway, the secretary of state to governor Fanquin, in answer to the communication which caused the resolutions, of the 29th of May, the general observed, that the nature of the thing induced a persuasion, that these ill advised resolutions, owed their birth to the violence of some individuals, who, taking advantage of a thin assembly, so far prevailed, as to publish their own uninformed opinion to the world, as the sentiments of the colony : and the king's servants persuaded themselves, that, when a full assembly should calmly and maturely deliberate upon these resolutions, they would see, and be themselves alarmed at the dangerous tendency and mischievous consequences, both to the mother country and the colonies.

In the province of North Carolina, the people, at all their public meetings, manifested their high approbation of the proceedings of the inhabitants of the other provinces ; and lieutenant governor Tryon, judging from the temper of the people that it would be unsafe and dangerous, to allow them the opportunity of expressing their feelings, by allowing a session of the legislative body, in these days of ferment, on the 25th of October,

issued his proclamation to prorogue the general assembly, which was to have met on the 30th of November, till the 12th of March, assigning as a reason for this stop, that there appeared to be no immediate necessity for their meeting at that time.

On the 21st of October, the merchants of the city of New York, came to a resolution, that in all the orders they should send to Great Britain, for any goods whatever, they would direct them not to be shipped, unless the stamp act was repealed : to countermand all orders already sent out, except on the above contingency: not to sell any goods, sent on commission, after the 1st of January, 1766, except on the same contingency. These resolutions were to be binding, until abrogated at a future general meeting. Two hundred of the principal persons in trade subscribed them. In consequence of this, the shop keepers and retailers, subscribed an obligation, not to purchase any goods shipped from Great Britain, after the first day of January, 1766, unless the stamp act was repealed.

At Portsmouth, in the province of New Hampshire, the inhabitants being informed, that Messerne, the stamp master, intended, notwithstanding a verbal resignation of the office, to proceed to the distribution of the stamps, went to him to the plains, a place at the distance of about two miles from the town, where he had met the king's council, and there judge Warren, one of the council, administered an oath to him, that he would not execute his office in any part of the province. This measure, and the assurances, given by the council, that the stamps would remain unopened, satisfied the people, who dispersed quietly.

On the 1st of November, the day on which the stamp act was to be in operation, the inhabitants of the city of New-York, observing unusual movements in the fort, were much displeased and alarmed. In the evening they assembled in great numbers, and, preceded by men bearing lighted torches, marched to the fort, where they broke open the stables and took out lieutenant governor Colden's carriage, and drove it through the city in triumph, to the commons, where a gallows had been erected; and an effigy of the lieutenant governor, with a label on its breast and a drum on its back, was hung at one end, and a figure of the devil at the other. They then marched with the carriage, gallows and effigies, in grand procession, to the gate of the fort, and thence to the bowling green, under the muzzle of the cannons, where all was consumed in a bonfire, amidst the acclamations of several thousands.

On the next evening, it being reported that the lieutenant governor had qualified as stamp master, the people assembled again, determined to march to the fort and obtain, either a declaration, that he would not distribute the stamps, or that they should be delivered into their hands. Lieutenant governor Colden, having received information of this, published a declaration, that he would have nothing to do with the stamps; but leave it to Sir Henry Moore, who had lately been appointed governor of the province, to act as he pleased, on his arrival. Still the people remained unsatisfied, and, gathering before the lieutenant governor's house, insisted on the stamps being delivered out of the fort, threatening, in case of his refusal, to go and take them out by force. On this, captain Kennedy, of the king's ship Coventry, was applied to, on the part of the lieutenant governor, to re-

ceive them on board; but he absolutely refused. At length, after much negotiation, on the 5th, they were delivered to the corporation, and lodged in the city hall, to the great joy of the people. During this commotion, which lasted for several days, all the cannons on Copsey battery, the king's yard, and all others belonging to the merchants, were spiked, to prevent the populace making use of them to obtain the stamps.

On the 7th of November, the merchants and shopkeepers, of the city of Philadelphia, entered into an association, with regard to a commercial non intercourse, as had been done a few days before at New-York. The example of the two principal trading cities was pretty generally followed throughout the provinces.

During the months of November and December, days of general thanksgiving and prayer for the success of the opposition to the stamp act, through the colonies, were observed in most of the provinces.

Towards Christmas, lieutenant governor Tryon received a commission of governor, captain general and commander in chief. This circumstance afforded an opportunity of preventing an early meeting of the legislative body. This was done by a dissolution of the general assembly, by proclamation on the 21st. The qualification of the chief magistrate, under his new commission, was laid in this instrument, to make it necessary that the present assembly should be dissolved.

The governor received, with the testimonial of his promotion, a circular despatch from general Conway, in which the secretary, after expressing the great concern with which government had heard of the disturbances in America, expressed his hope, that the want of confidence in the justice and tenderness of the mother

country, manifested by the colonies in their open resistance to her authority, could only have found place among the lower and more ignorant part of the people, and the better and wiser would know, that decency and submission might prevail, not only to redress grievances, but to obtain grace and favor, while the outrage of public violence could expect nothing but severity and chastisement. These sentiments, the governor and other servants of the king, were instructed to excite and encourage. They were directed to call on the people, not to render their case desperate, and, in the strongest colours, to represent to them the dreadful consequences that must inevitably attend the forcible and violent resistance to acts of the British parliament, and the scenes of calamity among themselves and of mutual weakness and dissatisfaction to both countries, inseparable from such a conduct. The secretary added, that if by lenient and persuasive methods, the governors could contribute to restore peace and tranquility to the provinces over which they presided, they would do an acceptable service to their country; but, having taken every step, which the utmost prudence and lenity could dictate, in compassion to the folly and ignorance of some misguided people, they ought not to fail, on the other hand, in using their utmost power for repelling all acts of violence and outrage, and to provide for the maintenance of peace and good order in the province, by such timely exertion of force, as the occasion might require. For that purpose the secretary added, that early application should be made to general Gage or lord Colville, the commanders in chief of the land and naval forces in North America.

In the latter part of the year, the British empire, on the American continent, was divided into two districts, northern and southern, by the river Potomac and a due west line drawn from the head of that river. A surveyor general was appointed in each district, who was desired to make several surveys of the coast and rivers, in order to facilitate the navigation and promote the speedy settlement of the newly acquired territory. William de Brahm was appointed in the southern district.

At the meeting of parliament, in January, 1766, Wm. Pitt, afterwards lord Chatham, expressed his opinion, that the stamp act be repealed *absolutely, totally and immediately*, and the reason for the repeal he assigned was, because it was founded on an erroneous principle; at the same time that the sovereign authority of Great Britain over the colonies be asserted, in as strong terms as can be devised, and be made to extend to every point of legislation whatever, that parliament may bind their trade, confine their manufactures and exercise every power, but that of taking their money, out of their pockets, without their consent.

Early in the year, the sloop of war, the Diligence, arrived in the river Cape Fear, having on board the stamp paper, destined for the use of the province, and on the 6th of January, the governor issued a proclamation, announcing this circumstance and calling on all persons, authorized to act as distributors of the stamps, to make application therefor, to the commander of the sloop. But on the first notice of the approach of this vessel, colonel John Ashe, of the county of New Hanover and colonel Waddle, of the county of Brunswick, having embodied the militia of those counties, marched at the

head of them to the town of Brunswick, before which she was anchored and notified the commander of their determination to resist the landing of their stamps. It was judged best not to make the attempt. A party was left to watch the motions of the sloop and the rest of the small army marched to the town of Wilmington, carrying with them one of her boats. Having fixed a mast in her with a flag, they hoisted her on a cart and drove triumphantly through the streets; the inhabitants all joining in the procession: at night the town was illuminated. On the next day, a great concourse of people, headed by colonel Ashe, proceeded to the governor's house and demanded to speak with James Houston, one of the council, who had been appointed stamp master for the province. The governor, at first, declared his intention not to allow it, unless Houston would come willingly: but the people threatened to set fire to the house and proceeded to make preparations therefor. The governor desired the colonel to step in and talk with the stamp master, who, finding, that he could not act in his office, without rendering himself obnoxious to the people, voluntarily accompanied the colonel to the street and, followed by a great concourse of people, proceeded to the market place, where he took a solemn oath not to proceed on the duties of his office. On which, the people gave three cheers, and conducted him back to the governor's.

In the latter part of the month of February, there being a general muster in the town of Wilmington, the governor, with a view to please the militia, caused an ox to be barbecued and had a few barrels of beer unheaded; but the people, displeased with his endeavors to counteract their opposition to the stamp act, threw the roast-

ed ox into the river and spilled the beer on the ground. This behaviour excited the resentment of the officers and men of the sloop of war, and a general fight ensued, the riot was continued for several days and one of the officers was killed in a duel. The governor caused the offender to be apprehended and gave orders for his prosecution. He was acquitted by the jury. Chagrined at this disappointment, the governor charged chief justice Berry, who had presided at the trial, with having favoured the defendant; and, although the chief justice stooped so far as to send him his notes of the testimony, the governor persisted in declaring that the trial had not been fairly conducted. The chief justice soon after went to Edenton, where he received a summons to attend on the council board. He had been so much affected by the governor's reproof, that he took it for granted, that the council was called for the purpose of suspending him. He called on a gentleman of the bar, and imparting his fear, begged him to accompany him to the council, but other avocations prohibiting a compliance, he set off alone. On his arrival in town, he waited on the governor, as was customary for the members of the council to do, and was received with coldness. Confirmed by this reception, in the idea he had formed, he refused to yield to the opinions his colleagues gave him that the council was called on the ordinary business of the province, and returning to his lodgings, fired a pistol in his own mouth; the fire not proving mortal, he took out his pen-knife and, ripping open his belly, drew out part of his entrails and soon after expired.

Writs of election had been issued, soon after the dissolution of the general assembly, in December, and the new legislative body was to assemble on the 22d of

April, the governor, apprehending danger from their convening, while the public mind was in irritation, on the 26th of February prorogued the general assembly to the 30th of October.

In the month of March, the British parliament yielding to the voice the nation, the stamp act was repealed.

That the ministry might not seem wanting in their endeavors to preserve the authority of the parent country, with the repealing act, another was passed to indemnify those who, on its account, had incurred penalties, and the American provinces were required to compensate the individuals, who had suffered from their obedience to government, during the commotions, which the attempt to carry the act into effect had excited. A statute was also passed for a formal declaration of the supremacy of the parent state and the dependence of the colonies. The resolutions, orders and votes of the colonial assemblies denying this supremacy and dependence, and the power of the British parliament to lay taxes in the colonies, were declared null and void, illegal, derogatory to the legislative authority of the mother country and the dependence of the provinces upon the crown.

On the 13th of June, the governor received a despatch from general Conway, of the 21st of March, with copies of two acts of parliament; the first for securing the due dependency of the colonies on the mother country, the other for the repeal of the act of last session, granting certain stamp duties in America, expressing a hope to have soon to forward a third, for the indemnity of such persons, as had incurred the penalties imposed by the repealed act.

The secretary observed that, the moderation, the forbearance and the unexampled lenity and tenderness of parliament towards the colonies, which were so signally displayed in those acts, could but dispose the province, committed to the governor's care, to a return of cheerful obedience to the laws and legislative authority of Great Britain, and to those sentiments of respectful gratitude to the mother country, which were natural, and which the secretary expected would be the entire effect of so much grace and condescension, so recently manifested on the part of his majesty's parliament.

He added, that the future happiness and prosperity of the colonies would very much depend on the testimonies they would give of these dispositions; for, as a dutiful and affectionate return for these peculiar proofs of indulgence and affection, might, at this great crisis, be a means of fixing the mutual interest and melioration of Great Britain and her colonies on the most firm foundation; it could not but appear visible, that the coolness or unthankfulness, the least murmuring or dissatisfaction on any ground whatever, too much heat or too much prevailing prejudice, might totally endanger the union, and give the most severe and affecting blow to the future interests of both countries.

He said that, so full of true magnanimity were the sentiments of the king and of parliament, so free from the smallest colour of passion or prejudice, that they seemed disposed not only to forgive, but to forget those very unjustifiable marks of an undutiful disposition, too frequent in the late transactions of the colonies; and consequently a revision of the late American trade laws was to be the immediate object of the attention of parliament, so as to give to the trade and interest of

the colonies every relief which the true state of their circumstances demanded or admitted.

He added, that nothing would tend more effectually to every conciliatory purpose, and there was nothing which he had in command more earnestly to request from the governor, than that he would exert himself in recommending it strongly to the assembly, that a full and ample compensation be made to those who from the madness of the people had suffered for their obedience to acts of the British legislature, and to request that the governor might be particularly attentive that such persons be effectually secured from any further insult, and that he should take care, by his example and influence, that they might be treated with that respect to their persons, and that justice in regard to all their pretensions, which their merits and sufferings claimed.

In performance of the directions of the minister, on the governor's report of the disturbances in the county of Granville, which now began to spread into those of Orange and Anson, a proclamation was issued, in the king's name, on the 25th of June, stating that great complaints had been received, and exorbitant fees were demanded in several offices in the province, to the great dishonor of the king's services and the prejudice of his subjects, strictly charging all public officers whatever, to restrain themselves to the fees authorized by law, and the same day, the governor, by proclamation, announced the repeal of the stamp act, expressing his hope that the inhabitants of the province would return to a cheerful obedience to the legislative authority of Great Britain, on which the future prosperity of the colonies greatly depended.

On the 26th of June, the mayor, recorder and aldermen of Wilmington, presented an address to governor Tryon, congratulating him on the repeal of the stamp act and on the happy prospect of the union and harmony, thereby established between the colonies and the mother country. They expressed their most respectful acknowledgments to the supreme legislature of Great Britain for their care and attention in protecting the inhabitants of his majesty's extensive American dominions, in the enjoyment of that inestimable blessing, liberty, and releasing them from a burden they were unable to bear.

The address concluded by expressing great concern, on the many misrepresentations that had been made to the governor of the transactions of the inhabitants of Wilmington and several of the adjacent counties, since the arrival of the stamps.

The governor expressed himself at a loss how to answer the latter part of the address, and declared that the impression, he had received of the conduct of the inhabitants of the borough, arose from a behaviour that came, immediately, under his own observation.

This produced a letter from the mayor, John De Rosset and several gentlemen of the borough, nineteen in number, who expressed the extreme sorrow they felt at some expressions in the governor's answer, which might be construed to charge the borough, with some marks of intentional disrespect, which they disclaimed, and should sincerely condemn, as inconsistent with the dutiful affection towards the king's representative, which they should always cultivate, with the grateful return of sentiment which his personal merit justly claimed.

They concluded that if, oppressed by the late act, some commotions of the country seemed to threaten a departure from moderation, the governor, they hoped, would not impute those transactions to any other motive, than a conviction that moderation ceases to be a virtue, when the liberty of the British subject is in danger; but the greater the danger was, the more reason they had to applaud the honest justice of the British parliament, whose prudent resolutions had relieved them from the melancholy dilemma to which they were reduced.

The governor replied, that, as this letter had removed those aspersions, he felt they had thrown on his character in the late address, he was now willing to forget every impropriety of conduct, any of the subscribers and the town of Wilmington had shown personally towards him, in the late commotion.

During the session of the court of the county of Orange, in the month of August, a number of persons came into the court house and presented to the justices a paper which they directed the clerk to read. It stated, that "great good might come out of the great designed evil, the stamp law, and that, whilst the sons of freedom withstood the lords of parliament, in behalf of true liberty, the officers under them ought not carry on an unjust oppression in the province; that in order thereto, as there were many evils complained of in the county of Orange, they ought to be redressed, and, if there were none, jealousy ought to be removed from the minds of the people." The writer then proposed that, "there should be a meeting of the people, in each captain's company, for the purpose of appointing one or more persons to attend a general meeting on the Monday before the next court of the county, at a suitable place, where there

should be no liquor; in order judiciously to enquire whether the freemen of the county labored under any abuse of power, that the opinion of the deputies should be committed to writing, freely conversed upon and measures taken for amendment."

The proposition was deemed reasonable and a general meeting was directed to be held on the 10th of October at Maddock's mills.

On the 20th of August, the company on Deep river, after having appointed their deputies, entered into a resolution, "that the representatives of the county in the general assembly, vestrymen, sheriff and other officers be requested to attend the meeting at Maddock's mill to afford them all the information in their power, as they valued the good will of every honest freeholder, and the executing of a public office pleasant and delightful."

On the 10th of October, delegates from the different captains' companies met at the mill, but none of the officers of the county attended. Towards the evening, James Watson, one of the representatives in the general assembly, appeared: he brought a message from Edmund Fanning, his colleague, by which he informed the meeting, "it had been his intention of attending them, till a day or two ago, when he observed in the notice from the meeting at Deep river, the word *judiciously*, which signified the authority of a court, concluding, after some other objection, particularly on the impropriety of the place, he considered their assemblage as an insurrection."

The meeting then came to a resolution, expressive of the advantage that would accrue to the county, if the representatives, vestrymen, church wardens, sheriff and other officers would yearly attend the delegates, chosen by

the people, in different sections of the country, in order to make themselves acquainted with the wishes and opinions of the people, in matters of weight and importance; lamenting, that one of the representatives only, had attended, and concluding, that if they were inclined to confer with the delegates chosen, they would be attended on, at any place and time they might desire.

A subscription was set on foot, and fifty pounds were collected for defraying the expenses of such suits, as it might be necessary to bring, for the purpose of redressing the grievances of the people.

The new legislative body began its first session, at Newbern, on the 3d day of November. In addressing the houses, the governor attributed the long chasm in the proceedings of the legislature, to many evident reasons; none of which, he chose particularly to state. He laid before them, the late acts of the British parliament, which related to the colonies, and the votes of the house of commons, on the proceedings of the colonial assemblies, on the subject of the stamp act: he expressed his hope, that the moderation and paternal care of the king and the unbounded lenity of parliament, signally displayed in those acts, would dispose the inhabitants of the province to a most cheerful obedience to the legislative authority of Great Britain, and to sentiments of the most respectful gratitude: he added, he was authorized to say, that so truly magnanimous were the sentiments of the king and parliament, and so free from the smallest spark of passion or prejudice, that they appeared disposed, not only to forgive, but to forget the marks of an undutiful disposition.

Jnu. 4

manifested in the late transactions of the colonies. Animated by these glorious sentiments, he was happy to follow examples so shining, in regard to the late distractions he had witnessed; he drew the attention of the legislature to the inadequacy of the emoluments of sheriffs and the disproportion between them and the services they were expected to render, and recommended to their consideration the state of the public funds, and that some mode might be devised to obtain, from the treasurers, accounts, specifying the receipts and expenditures for the ordinary and contingent services, the balances in their hands and a statement of those, due from the collectors of public moneys; that order and certainty might be introduced into the fiscal department and an injustice prevented to some counties, which were compelled to share the deficiencies of others, in which taxes were but partially collected or accounted for.

He informed them, that their resolution for the establishment of Fort Johnson, having expired, he had ordered a continuance of the establishment, and some necessary repairs to the work, upon the credit of the province: the artillery and stores, being too valuable not to claim attention; he advised an increase of the establishment.

He observed, that the court system had, on experience, proved a valuable one, and seemed to want nothing but a greater degree of permanency and handsome salaries to the associate justices.

The lower house replied, they were truly sorry, that any reason whatever should have prevented him from

meeting the legislature sooner; the alarming tendency of the stamp act and the reproachful terms of rioters and rebels, which had been liberally bestowed on the king's faithful American subjects, rendering it, in their opinion, highly expedient, that the house should have been convened sooner. In times of public calamity and distress, when the loyalty and attachment of a whole province, to the king's person and government, were questioned, no measure could be more particularly necessary to its honor and interest, than to afford it the opportunity of testifying its duty and allegiance to the crown and imploring a redress of the grievances, with which it was oppressed.

They gratefully acknowledged the tender and paternal care of the king and the wisdom and justice of parliament, to which they attributed the repeal of the stamp act, a measure which had restored peace and tranquility to the continent, and effectually secured its warmest affection to the mother country.

They assured the governor, that they would esteem it a great happiness to have it in their power to concur with their sister colonies, in testifying an inviolable attachment to the person of their sovereign and a just and dutiful dependence on his government; but they said it was the peculiar misfortune of the province of North Carolina, to be deprived of those means to which it had an unquestionable right, and which the other provinces peaceably enjoyed, of making known their dutiful dispositions; and, if they were wanting in the general suffrage, they hoped censure would fall on those whose indiscretion was the cause of it. They observed, that in every other part of the king's American dominions, where the constitution was similar to that of the pro-

vince, the representatives of the people enjoyed the privilege of naming an agent, to represent their loyalty to the king and to implore his protection: the concurrence of the other two branches of the legislature being considered as necessary only to give a sanction to the nomination; a privilege which, with that of naming the treasurers by the people of the province, was deemed, by the members of the king's council, a circumstance which they greatly feared, might be followed by consequences fatal to public tranquility. They expressed a hope, that the governor would exert every practicable endeavor to restore the people to their rights and privileges in this respect.

They expressed their deep concern to hear the colonies charged with marks of an undutiful disposition and persuaded themselves, that the conduct of the colonies and the province, had been influenced by nothing but their loyalty to the king, their attachment to the constitution and tender regard for the liberty it was made to secure, and that their conduct would have been viewed in this light, had not those who were strangers to the true interest of Great Britain and her colonies, ingenuously represented it, in England, as resulting from disaffection to the crown and a desire of independence on the mother country

They declared they had nothing more at heart than to see the seat of justice and every office in the province filled with able men: for such, they had ever been ready to provide adequate salaries; but, for the present, they were fearful the scarcity of currency and the heavy taxes with which their constituents were burdened, would put it out of their power to make that provision which was recommended to them.

The governor replied, he would forbear entering into all the parts of their address, lest he should be thought to deviate from the principles of generosity he had professed to pattern from the king and parliament. He declared himself an utter stranger to the reproachful and detestable appellation of rebels, which was said to have been liberally given to the king's subjects on the continent, and the ingenuous misrepresentations made in England, to which the house referred.

He observed, that the irregularity in the choice of an agent, for the administration of the affairs of the colony, had long been a matter of complaint and difficulty, both in the province and in England; and, although he could not agree with the house that the appointment of the two other branches of the legislature was merely by way of sanction, with the view of manifesting his desire to preserve the tranquility of the province, until the king's pleasure in this respect was known, he would be found ready to concur with the houses in the appointment of an agent and treasurer, and he trusted the council would act with the same liberality. He added, he could wish the province, and the house in particular, might consider him as their agent, in every laudable action or beneficial measure, which circumstances required or admitted.

The upper house took into consideration the address of the lower house to the governor, and voted, that the assertion, that the want of a treasurer and agent, was owing to the indiscretion of the upper house, was indecent, unjustifiable, and highly derogatory of the honor of the house.

That the approbation of the upper house, to a colony agent, was necessary and proper; but that the fai-

lure of the late agent bill, was owing to the refusal of allowing the upper house its proper weight and influence, in the committee of correspondence.

They asserted their right to the nomination and appointment of treasurers.

When sitting at the council board, the members expressed their opinion, that the charges in the address of the lower house, relating to the governor's conduct, were altogether indecent, without foundation, and unmerited; and that the governor, in his answer, had conducted himself with great propriety, and the coolest dictates of moderation.

A bill being introduced, for the appointment of a treasurer for the southern district, the upper house substituted the name of one of their members (L. H. de Rosset) for that of the former speaker of the lower house, John Ashe, who had been nominated there. When the bill returned, the lower house reinstated the latter name: the upper house insisted on their amendment, observing, that their passing of the bill as it was sent up, might be considered as a relinquishment of the joint right of nomination: the lower house replied, they could not consent to the proposal, neither could they recede from the opinion, that the right of nominating the treasurer was in them; but they were willing that the passage of the bill, should not be considered, as a precedent invalidating the claim of the upper house, if they had any: the upper house replied, that as the sole right of nomination, was insisted on in the late message, they could not recede; but proposed to pass the bill, if the lower house would agree to consider the nomination as joint; but, on the lower house praying that this point of modern controversy, might be left to be disputed at some future

period, when there should be greater need of, and stronger inclination to debate between the houses, on questions of privilege: the upper house answered, that, as their right of nomination was not denied, and it was conceded the step would not be drawn into a precedent, they would pass the bill, with a view of testifying their desire to advance the public good, and promote harmony and good understanding between the houses.

The two houses joined in an address to the king, on the repeal of the stamp act. This paper begins by stating, that the very considerable part which the king's American subjects had taken in the late transactions, made it necessary, they should take the earliest opportunity of manifesting their unshaken loyalty, and making every return of duty and gratitude, for the paternal goodness which had relieved them; they begged leave to assure him, that, in the time of their utmost apprehensions, their breasts were filled with the purest sentiments of love, and loyalty for the best of kings; neither had they ever doubted, that his tender care over all his subjects, would, as soon as their grievances were known, relieve them from a burden too heavy to be borne: they added, it was the glory and happiness of the people of the province, to look upon themselves as a part of the British empire, and, as such, to testify and acknowledge, upon all occasions, not only the love and duty of their hearts, to the king's person, family and government, but, offer their cordial and natural attachment to the mother country; and they doubted not, but the wisdom and justice with which the parliament had of late, assisted the king in his most gracious purposes, not only in relieving his American subjects, from their late unhappy situation, but in opening new channels of trade and

commerce, would produce in them, every proper sentiment of love and gratitude.

A sum of one hundred and thirty-three pounds, six shillings and eight pence, was appropriated to the support of the post office establishment.

At the recommendation of the governor, on the application of the Cherokee nation of Indians, an appropriation was made for running a dividing line, between the western settlements of the province and their hunting grounds; and the governor was authorized to appoint three commissioners for that purpose. Five thousand pounds were appropriated, for building a house for the residence of the governor: the sum was to be borrowed out of the moneys hitherto appropriated, for providing public school houses and glebes, and a poll tax and duty on liquors were imposed.

The Presbyterian clergy increasing, especially in the western parts of the province, were authorized to celebrate the rites of matrimony. The trustees of the Newbern academy were incorporated. This is the first instance of this kind of legislative patronage, which occurs in the statute book. The navigation of the river Neuse appearing insufficient for vessels of great burden, on account of the small depth of water, through the swash, leading from Ocracock bar into the sound, and the inlet of Old Topsail being very safe and navigable, for vessels of great burden, leading to a safe and commodious harbor, an attempt was made to cut a canal from Clubfoot to Harlowe creek, whereby, the navigation of Neuse river and Old Topsail inlet might be joined; and an act was passed, appointing commissioners to receive subscriptions and cut the canal. The facility of attaining the desired object, if proper means

were adopted, has never been questioned; yet, though several laws have since been passed, and some trouble taken to accomplish it, after a period of nearly half a century, the measure has not yet ripened into effect.

The lease, granted by the Tuscarora chiefs, to Robert Jones, William Williams and Thomas Pugh, during the summer, did not receive the sanction of the legislature.

Ten men were allowed for the garrison of Fort Johnston.

Jonathan Carver, of Connecticut, left Boston in 1766, with the view of exploring the most interior parts of America, and even of penetrating to the Pacific ocean, over the broad face of the continent, which lies between the forty-second and forty-sixth degrees of north latitude. As the English had come into possession of a vast territory, by the conquest of Canada, he hoped to render the acquisition more profitable to his country, whilst he gratified his taste for adventures.

On the rise of the legislature, governor Tryon lost no time, in carrying into effect, his darling scheme of building a palace. He had exerted all his influence to obtain the passage of the bill, and the members of the king's council had been officially instructed, to give it all their support, in their legislative capacity. This measure was thought, by many, to have laid the foundation of the series of disorders and commotions, which terminated in the battle of the Alamance. The grant of five thousand pounds was above the means of the province, in its infant and impoverished state; and the governor was intrusted, solely, with the disposition of the fund. The trust proved fatal to the interest of the province, and to the reputation of the trustee. It was made to

gratify his vanity at the expense of both. It afforded him an opportunity of leaving behind, an elegant monument of his taste in building, and giving the minister an instance of his great influence and address, in his new government. The temptation was not resisted; and to the plan of a governor's house, was substituted ~~for~~ that of a palace, worthy the residence of a prince of the blood. The purchase of the ground and the erection of the foundation, absorbed the sum which the legislature had been pleased to bestow, which was an ample appropriation for the completion of the building.

The marks of an approaching disorder in the political body, became apparent in the open refusal of a number of individuals to pay the tax which had been laid for defraying the expenses of rearing so costly an edifice; the disturbances, which had hitherto been confined to the counties of Orange and Granville, had spread into those of Anson, Bladen and Mecklenburg.

Another circumstance contributed, in the summer, to fan the coals of distraction into a flame.

In a colony without money, and among a people almost desperate with distress, public profusion should have been carefully avoided; but unfortunately for the province, governor Tryon had been bred a soldier, and had an acquired, as well as a natural fondness for military parade; the legislature had instructed him to run the boundary line between the hunting grounds of the Cherokees and the back settlements of the province, about ninety miles in length; this little service afforded him an opportunity of displaying his military talents, and making a splendid exhibition of himself to the Indians; it was not neglected. He marched to perform it, in a time of profound peace, at the head of a company of militia, in

all the pomp of war, and returned with the honorable title, conferred on him by the Cherokees, of the Great Wolf of North Carolina. The marking of a few trees, and the acquisition to the governor of the title, perhaps prophetic, caused an increase of taxes, which the province was not well able to bear.

The legislature met at Newbern, the fifth of December; the governor, in his address, spoke of the approbation and acknowledgments due to the good conduct and regular behaviour, both of the officers and soldiers that had formed his escort, as a victorious general, and to the bravery of those who gained him laurels; he mentioned the Cherokees' faithful conduct, in the strict fulfilment of their engagements at the treaty at Augusta, and his belief that he had left them in so good a disposition towards the inhabitants of the province, that by experiencing a continuance of encouragement and protection from the legislature, they would not only show themselves fast friends in any future Indian war, but also bring a great part of their trade into the province. He laid before the houses a plan of what he called the edifice, which soon with propriety received the appellation of the palace, and the estimate of the future charges of its construction, and pressed them to make at once an adequate appropriation, to prevent the disadvantages that must arise from a deficiency of materials, and the necessity of soon discharging the present artificers and workmen, whose skill and diligence might not easily be replaced; circumstances which he represented as likely not only to stop the present undertaking, but to create an additional expense to the country, when resumed.

The court laws which had been passed in the year 1762 and continued in 1764, being about to expire, the

governor observed, that the system in use had proved highly beneficial, and recommended that a greater degree of permanency might be granted, and that it might be improved by the addition of handsome salaries to the assistant justices.

He bewailed the large quantity of counterfeited bills that were in circulation, evidently depreciating the small remainder of the present currency ; he recommended to the attention of the house the establishment of Fort Johnston, and that a small tonnage duty, chargeable in powder and lead, might be imposed ; he urged the necessity of making, as well the public funds as the embezzlements and irregularities practised by several collectors of the public revenue for some time past, a principal object of enquiry ; he thought no provision, in this respect, would be found effectual, as long as a jealousy existed of the chief magistrate's being particularly informed of the receipts and disbursements of public moneys.

In examining the estimate laid before them, of the probable costs of the palace, the house found themselves placed in the unpleasant alternative of granting ten thousand pounds more, or sinking the five thousand granted at the last session ; the governor was successful in his strenuous endeavors to induce them to adopt the former, perhaps contrary to the sense of their constituents, and the imposition on a people, who, from poverty, were hardly able to bear the necessary expenses of government, tended in a great degree to raise the general discontent to such a pitch, that it matured into a civil war.

433.

A new court system was adopted ; the province was divided into five judicial districts, a new one, called

Hillsborough district, being erected ; in each was established a court, held by the chief justice and two associates, which was denominated the superior court of justice ; the associate justices were to be appointed by the governor, and had an allowance of about five hundred pounds per annum, for the payment of which a tax was laid on law suits and carriages ; jurisdiction of all civil causes of the value of twenty pounds, when the parties resided in the same, and ten pounds, when in different districts, was given to the superior court, and criminal jurisdiction in all cases, The act was made temporary, and to be in force during five years. The county court law was, with some trifling alteration, continued for the same period of time.

Richard Henderson and Maurice Moore were appointed associate justices.

A road was directed to be laid off from the western frontier of the province to the town of Brunswick, near the sea shore, and a town was established on the south side of Cashie river, in the county of Bertie, to which the name of Windsor was given.

The house petitioned the king to allow the governor to give his assent to an act for an emission of paper money.

Parliament passed a statute for establishing a custom house and board of commissioners in America. John Temple and James Robinson, who were already on the continent, and Henry Hutton, William Burch and Charles Paxton, who arrived soon after, were to compose it. The duties were to be collected after the 20th of November: the colonies believing, that this board was appointed to enforce the new duties, were again inflamed and pronounc-

ed the appointment unconstitutional and oppressive. The discussions, occasioned by the stamp act, had at once convinced the colonists of their exemption from parliamentary taxation, and excited their jealousy of the designs of Great Britain. This new occasion brought forth additional essays on colonial rights, and now were written the celebrated "letters from a farmer of Pennsylvania, to the inhabitants of the British colonies," which had a rapid and extensive circulation through North America: they demonstrated the danger of a small tax, as establishing a bad precedent.

In the spring a new association was formed, on the west side of Haw river, in the county of Orange, and a paper subscribed, entitled "the request of the inhabitants of the west side of Haw river, to the assemblymen and vestrymen of the county of Orange." After noticing in the preamble, the ill success of the meeting at Maddock's mill, it was stated, that the subscribers found themselves obliged to seek redress, by paying no more taxes till they had a settlement for what was paid, and some regulations were entered into, providing against future speculation. They desired to be indulged with a general meeting at the court house, on some day, previous to the meeting of the next court.

Articles of association were entered into, by which the subscribers bound themselves to each other, not to pay any more taxes, till they could be satisfied of the proper application of their money, to resist the exaction of illegal contributions and to bear open testimony against acts of extortion practiced

by the officers of the county; to attend all meetings and conferences for the purpose of instructing their representatives and petitioning the governor, council and assembly, or the king and parliament, for the redress of their grievances; to contribute, according to their abilities, to collections to be made for the purpose of carrying on the design of the association. The individuals present, added the sanction of an oath to that of their signatures. They were afterwards joined by the inhabitants of Sandy creek and all those who had attended the meeting at Maddock's mill.

Hitherto the persons who had taken part in those popular proceedings, were designated by the appellation of the mob, and seemed to have adopted it themselves: at their next meeting, on the 4th of April, they changed it to that of regulators. They made choice of two persons who were directed to call on the two late sheriffs and the vestrymen and desire them to meet twelve deputies from the general meeting, on the Tuesday after the next county court and produce to them their accounts.

Before those two men could attend to the service required of them, some of the sheriff's officers, either to try the temper of, or exasperate the populace, took, by way of distress, a mare, saddle and bridle, for one levy, and carried them to Hillsborough; they were followed by a party of sixty or seventy men, who rescued the mare; then, marching to the house of Edward Fanning, an attorney and one of the representatives of the county, they fired a few

shots at the roof of it, to give him to understand, they considered him, the principal cause of the disturbance.

The minister of the parish undertook to perform the services which had been allotted to two of their body, and soon after brought for answer, that the sheriffs and vestrymen would attend, as requested, on the 20th of May. The regulators, in pursuance of this information, met on the 30th of April and twelve deputies were chosen. In the meanwhile, before the day appointed for the meeting, the governor having had information of the disturbances, sent David Edwards with a proclamation, summoning the regulators to disperse, and calling on the officers of the province to assist the sheriff in quelling the insurrection. Although, after their late meetings, the regulators had quietly returned to their respective abodes, the sheriff of Orange county took with him a party of thirty horsemen, well armed, and riding through the county to the distance of about fifty miles, took two of the principal regulators, Herman Husband and William Hunter, whom he brought to Hillsborough and confined in jail. These men were, however, shortly after released on bail. The regulators, hearing of the capture of two of their chiefs, gathered into large parties, in different parts of the county, and marched to Hillsborough. On the 3d of May, their number amounting to upwards of seven hundred, they took their stand at a short distance from town, and were joined by Herman Husband and William Hunter;

Isaac Edwards, who had not yet returned, rode on towards them; after reading the governor's proclamation, he informed them, that he had command, if the regulators continued embodied while he was up, to go to, and assure, them, on behalf of the governor, that on application to him, he would redress their grievances and protect them from the extortion and oppression of any officer, provided they would disperse and go home: the multitude cried out, agreed, agreed, and soon after separated.

On the 21st of May, the regulators held another general meeting and appointed a committee to wait on the governor, and lay their grievances before him. On this occasion, a short address was drawn up, in which they made solemn professions of loyalty to the king and strong attachment to the government, established in the province, and the committee were directed to implore, in the most submissive manner, the forgiveness of the governor for any error of theirs, which might be construed to derogate from the honor of the king's crown, or tend to the obstruction of the peace and good order of government.

For the information of the governor, the committee were furnished with copies of the proceedings, at the different meetings, which had been held.

An association having been also formed in the county of Anson, on the same principles as that in the county of Orange, a communication was received at this meeting, from the regulators in the former county, offering their co-operation in such measures as would be judged proper to be adopted, in order to procure relief,

and praying information, as to the manner, in which the proceedings of the regulators had been carried on in the latter county. A committee was appointed to return a suitable answer and supply the desired information.

In the latter part of the month of June, James Hunter and Rednap Howell, two of the regulators, on behalf of the committee, waited on governor Tryon, at Brunswick, with the address of the general meeting, and the copies of the proceedings at that, and all preceding meetings. These papers were laid before the council, and, in pursuance of the advice of that body, he answered, that the grievances, of which the regulators were complaining, did not, by any means, warrant the measures to which they had resorted: measures, which, he observed, if they had been carried but a little farther, would have been denominated, and must have been treated as high treason, and involved the abettors of them and their families, in ruin and destruction, while they were endeavoring to extricate themselves from evils, within the remedy of the laws; that these calamities were now, he trusted, averted by his timely proclamation, and their own prudent determination, to petition for the redress of their grievances; that the decent behaviour of colonel Fanning, and the officers and men under his command, would entitle them to the entire approbation of the governor and council, and would ever be acknowledged with praise, by every unprejudiced man, and wellwisher of the province. He wished all those, whose understandings had been run away with, or whose passions had been led into captivity, by evil designing men, who, actuated by cowardice, and a sense of the justice due to their crimes, had secreted themselves from public view,

to be made acquainted, that, in consideration of the determination, they had expressed of abiding his determination in council, it was the unanimous advice of the board, that they should, henceforward, desist from any further meetings, that all titles of regulators or associators, should cease among them; that the sheriffs or other officers of government should be permitted, without molestation, to execute the duties of their respective offices; and that all breaches of the peace, or other offences against the government, should be proceeded against, and determined by due course of law only. He added, it was only by a strict adherence to these directions, that any act of future clemency, on his part, might be looked for; that, always willing to listen to the voice of distress, he should ever be found ready to remove any hardships the king's subjects might be under; that he would direct the attorney general to prosecute every officer, who had been guilty of mal-practice or extortion, on information being lodged by the person injured; that, early in the next month, he would proceed to Hillsborough, and, on his arrival, issue a proclamation, forbidding so dishonorable and shameful practices.

The regulators having, as yet, proceeded to no very great excess, two of their chiefs having been taken and bound over, and the rabble being now quietly dispersed: the governor was blamed by many considerate men in the province, for the early part he took in these disturbances: they thought, as the offences committed were properly punishable, within the limits of law, and as the offenders were accountable to legal process, all that his duty could possibly require of him, on this occasion, if it required any thing at all, was to direct prosecution

against the offenders, and he ought carefully to have avoided becoming a party in the dispute. While, by enlisting himself a volunteer in this service and entering into a negotiation with the regulators, he came down to their level, and gave dignity to their emissaries.

Having directed the members of the council to meet at Hillsborough, early in the month of August, he proceeded to that town, which he reached in the first days of July.

On his arrival, he issued the proclamation which he had promised. The whole month of July elapsed, without his hearing any thing of the regulators. At length, these people however, animated by his presence in their neighborhood, resumed their former practice of gathering in numbers, enlisting men, training them to arms and holding up a determination of obstructing the execution of the laws. He directed Tyree Harris, the sheriff of Orange, to attend at one of the meetings of the regulators, in order to claim the public tax, and endeavor to dispose the people cheerfully to pay it, and submit to the laws. The sheriff was made the bearer of a letter, informing the persons to whom he was sent, that the governor had, according to his promise, come up to Hillsborough, issued his proclamation, and given strict charge to the attorney general, to commence prosecutions, against such officers as were charged with extortion or mal-practice; that it was by his advice, that the sheriff called on them to collect the public, county and poor taxes, for the preceding year, expressing his full confidence, that, according to the directions of his letter to them, from Brunswick, and, in justice to their engagement, to submit to his decision in council; they would

make it a matter of honor and conscience, that no obstacle should be put to the discharge of the duty, which the sheriff called upon them to fulfil, in obedience to the laws of their country.

The sheriff, however, returned without having collected any part of the taxes, the regulators unanimously bid him retire, and threatened to take his life, if he proceeded to distrain. 3 Aug

A few days after, the regulators sent two deputies to the governor, at Hillsborough, with an answer to his letter, framed at one of their meetings. The object of it was to complain, that their application had not been submitted to a full board, to treat of the insufficiency of the governor's late proclamation, and to express their intention of applying for redress to the legislature, at their next meeting.

The governor answered the deputies, that, as he expected a meeting of the council shortly, he would lay the communication they had brought, before them, and would apprise them in time of the result of their deliberation.

On the 11th, at night, information was brought at Hillsborough that a large body of the regulators, said to consist of upwards of one thousand men, was under arms in the vicinity of the town, with hostile intentions against it. The nearest companies of militia were called in, but it soon appeared, that the regulators had embodied themselves on the false alarm of an intention to attack them, and had returned to their respective abodes. Before the militia were dismissed, the governor caused an oath to be administered to them "with hearts and hands, life and goods, to main-

tain and defend the king's government in the province, against all persons whatever, who should attempt to obstruct or prevent the due administration of the laws, or the public peace or tranquility." Upwards of four hundred officers and men took the oath with alacrity.

On the meeting of the council, the governor laid before them the last message from the regulators, and with the advice of the board, replied, that he had entertained every reasonable expectation that his letter from Brunswick would not only have given them the most cordial satisfaction, but prompted them with the most ardent zeal to have immediately subscribed to the directions it contained in conformity to the resolution, declared in their address, and it was with sincere regret he now reflected on their disobedience and ungrateful return, by the total disregard of his directions and their unlawful refusal of paying the taxes which the sheriff had, at his request, called on them to collect. He added, that the candour with which he had treated their rash and precipitate conduct, and the just means and effectual measures he had pointed out for the removal of the causes of their complaints, would have given ample satisfaction to any person, who had addressed him with an intention of being content with receiving justice. He lamented that he had the mortification to find, by their last letter, that every lenient measure of his had been prevented, and the friendly aid he had offered to correct the abuses complained of, considered as insufficient, and he observed, that the object of the proclamation

was to caution public officers against, and to prevent extortion, which it was the exclusive province of the courts of law to judge and punish.

He showed, that the dissatisfaction they expressed in their address, and papers not being laid before all the members of the council, was equally groundless; for, by the king's instructions, three councillors constituted a board, and the presence of five was sufficient to the despatch of business of the highest moment, while there were six members of the board present, when their address had been acted upon.

He expressed his great satisfaction at the resolution they had taken of petitioning the legislature, and he assured them, his services, on that occasion, would not be wanting, for the redress of any real grievance.

In humanity to their misguided passions and in justice to his own integrity, he thought it necessary to represent to them, that they were pursuing measures, highly illegal and criminal, and acting on principles, not less void of faith and honor than, inconsistent with every moral and religious duty; that they had given occasion to every man of honor and property, by the open and unreserved threats they had thrown out against the lives and property of many of the inhabitants of the province, to look upon their designs, as bent, rather upon destroying the peace of the government and the security of the king's subjects, than as waiting for any legal process against those they imagined to have abused their public trusts. He concluded by acquainting them that upon those alarming prospects, he considered it his duty to provide for the safety of government, and to take care that the public

received no damage. To prevent, therefore, as much as possible, the heavy expense that must accrue to the province, by guarding against the insults that were intended to be offered to the superior court of justice, he peremptorily required, on their part, that twelve of the principal and wealthiest of them, should wait on him at Salisbury, on the 25th of the month, and in his presence, execute a bond in the penalty of one thousand pounds, as a security, that no rescue would be made of William Butler and Hermon Husband, at the next district court for the district of Hillsborough, to which they were recognised.

A reply was sent, subscribed, on behalf of the regulators, by James Hunter, Peter Julian and Thomas Wellborn. They bewailed their misfortune, in having incurred the governor's displeasure, and that their conduct had given him reason to view them, as bent rather upon mischief than waiting for justice. As to his demand of security, that Butler and Husband, should not be rescued, they observed, that the late alarms, the raising of troops, the threats held out of bringing down the Indians to cut off the inhabitants of the county, had been considered by the principal and most considerate men among the regulators, as being without ground; that they had, however, exerted their utmost influence in moderating and pacifying the resentment of their neighbors; that these men would ever use the same care and would ever, it was hoped, be able to govern the multitude by reason; yet none of them were willing to enter into a bond; and, if they were, they would likely lose, by such a step, all the influence they possessed before.

On the 22d of September, the day of the meeting of the superior court, for the district of Hillsborough, the regulators appeared and took their stand within half a mile of the town.

They gave the most positive assurance, that no design was entertained of releasing the persons bound over, and beseeched the governor to dissolve the present, and call a new assembly.

They were about 3700 in number. After a short halt, a messenger was sent to the governor, assuring him, that if he would let them come in, peaceably, to complain of their grievances against the officers, pardon all past breaches of the peace, except as to Butler and Husband, they would disperse and pay their taxes.

The governor, in reply, required the surrender of all their arms in pledge, till the persons charged were tried. About thirty men complied, but the rest returned home.

Four bills of indictment, for a riot, against Hermon and Husband, were sent to the grand jury; one only was found a true bill, but he was acquitted on it by the traverse jury.

William Hunter and two others were indicted, tried and found guilty of a riot, for which they were condemned to pay a heavy fine and suffer a long imprisonment; two of these individuals broke jail, and the third remained in prison, though the door was broken open; but the governor pardoned him, as well as those who had escaped.

A number of indictments for extortion were found against Edmund Fanning; he was found guilty on all of them and fined one penny in each case.

On the rise of the superior court, the governor issued his proclamation for pardoning all persons concerned in the late insurrection, except James Hunter, Ninian Hamilton, Peter Craven, Isaac Jackson, Hermon Husband, Matthew Hamilton, William Payne, Ninian Bell Hamilton, Malachy Fyke, William Moffat, Christopher Nation, Solomon Goff and John O'Neal.

Chalmers—Marshall—Records.

CHAPTER VIII.

THE legislature held its third session at Newbern, on the third of November, 1768. After stating the measures which had been pursued in quelling the late commotions, the governor recommended to the attention of the houses an enquiry into the causes of it, with a view to redress all real grievances ; and the necessity of making provision for the expenses which had been incurred. He acquainted them, that the address transmitted by their committee to the king, praying him to allow a new emission of paper money, had been received, and he was instructed to say, that, as the power of creating a paper currency, to be a legal tender, it was restrained by an act of parliament, and it was not in the power of the crown to exercise any discretion on that subject. He again urged the necessity of providing a stock of powder and lead, which the situation of the province rendered necessary.

The speaker laid before the lower house a circular letter, of the 11th of February, addressed by the house of representatives of the province of Massachusetts to the speaker of the house of representatives and burgesses of the respective provinces.

It began by stating, that the house having taken into their serious consideration the great difficulties that must accrue to their constituents, by the operation of several acts of parliament, imposing duties and taxes on the

American colonies, and considering the subject, as one, with which every colony was deeply interested, they doubted not, the respective bodies which they addressed would be duly impressed with its importance, so that such constitutional measures would be adopted, as circumstances rendered proper : and fully persuaded of the necessity there was of the several provinces harmonising with each other on so delicate a point, they expressed a hope, that their application would be considered in no other point of view, than as expressing a ready disposition freely to communicate their ideas to the sister colonies, upon a common concern, in the same manner as they would gladly receive the sentiments of any other house of assembly on the continent.

They adverted to the humble representation of the sentiments, which they had made to the king's ministry : that parliament was the supreme legislative power over the whole empire ; that in all free states, the constitution was fixed, and, as the supreme legislature derived its power and authority therefrom, it could not overleap the boundaries of it, without destroying the foundation on which its existence rested ; that the constitution, maintaining and boasting both sovereignty and allegiance, the colonies, who acknowledged themselves under the tie of allegiance, had an equitable claim to the full enjoyment of the fundamental rules of the British constitution ; that it was an essential, unalterable right of nature, engrafted in the British constitution, as a fundamental law, ever held sacred and irrevocable by the king's subjects within the realm, that whatever a man had honestly acquired was absolutely his own, which he might freely dispose of, and which could not be taken from him without his consent ; that the colonists might, therefore, exclusively

of any charter rights, with a decent firmness adapted to the character of freemen and subjects, assert this natural and constitutional right.

They expressed their opinion, with the greatest deference to the wisdom of parliament, that the acts of that body, imposing duties on the people of America, for the sole and express purpose of raising a revenue, were infringements of their natural and constitutional rights ; because, as they were not represented in parliament, the commons of Great Britain granted their property, without their consent.

They avowed the opinion, that their constituents, considering their local circumstances, could not, by any possibility, be effectually represented in parliament, being separated by an ocean one thousand leagues wide ; that for this reason, the king's predecessors had formed subordinate legislatures in the colonies, that the people might enjoy there the unalienable right of representation ; that under the impression of the impracticability of a full and equal representation of the colonists in parliament, and the great expense that would attend even a partial representation, they judged the taxation of their constituents, even without their consent, grievous as it was, preferable to such a representation, as they could enjoy.

Upon these principles, and even if the right of parliament was ever so clear, they judged, for obvious reasons, it would be beyond the rule of equity, that their constituents should be taxed on the manufactures of Great Britain, in the colonies, in addition to the duties they paid for them in Europe, and the advantages arising to the mother country from the acts of trade.

The house then informed the assemblies, that they had presented a humble, dutiful and loyal petition to the king, and made such representations to his ministers, as they apprehended would tend to obtain redress ; that they had submitted to consideration, whether any people could be said to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend, as it should judge proper, without the consent of the people, and at their expense ; and whether, while the judges of the land and other civil officers held not their commission during good behaviour, their having salaries appointed to them by the crown, independent of the people, had not a tendency to subvert the principles of equity and endanger the happiness and security of the people ; that, in addition to these measures, they had addressed a letter to their agent in England, the sentiments of which he was directed to lay before the ministry, wherein they took notice of the hardships of the act for preventing mutiny and desertion, which required the governor and council to provide enumerated articles for the king's marching troops, and the people to pay the expense ; and also the commission of the gentlemen, appointed commissioners of the customs to reside in America, which authorizes them to make as many appointments as they think fit and pay the appointees what sums they please, without being accountable for their misconduct, from whence it might happen, that officers of the crown might be multiplied to such a degree, as to become dangerous to the people, by virtue of a commission, which did not appear to offer to trade such advantages, as many had been led to expect.

They expressed their belief, that, on account of these their sentiments and proceedings, they had too much reason to think, the enemies of the colonies had represented them to the king's ministers and parliament, as factious and disloyal, and having a disposition to make themselves independent of the mother country ; and protested, as they had taken occasion to assure the king and his ministers, that, with regard to the people of the province of Massachusetts, and in their belief, as to all others on the continent, the charges were unjust.

They concluded, by expressing their full satisfaction, that the assemblies of the provinces were too generous and enlarged in sentiment, to believe, that their address proceeded from an ambition of taking the lead and dictating to others ; they submitted their opinions to the judgment of those they addressed, with assurances, that they would take it kind, if any of them should point out any thing further, necessary to be done, and satisfied them, from confidence in the king, the common head and father of all, the united and dutiful supplications of his American subjects would meet his royal and favorable acceptance.

The scarcity of money rendering it impracticable to defray the expenses, incurred by the late expedition to Hillsborough and running the dividing line between the back settlements and the Cherokee hunting ground, it became impossible to do any thing more than secure the demands of the creditors of the province, by certificates, issued from the treasury ; accordingly, debentures or notes, receivable there, to the amount of twenty thousand pounds, were directed to be issued, and for the redemption of them, a poll tax of two shillings was laid. ✓

With a view to enable the industrious poor to discharge their taxes, inspectors' notes, for tobacco, hemp, rice, indigo, wax, tallow and deer skins, were directed to be received.

The county of Mecklenburg was divided, and the western part of it erected into a new county, which, in compliment to the governor, was called Tryon.

George Mercer of Virginia, who has already been mentioned as stamp master of that province, was this year appointed lieutenant governor of North Carolina.

On the 6th of May, the governor dissolved the general assembly by proclamation.

The disturbances in the western counties were far from being quelled. Early in the spring, John Lea, the sheriff of the county of Orange, attempting to serve a warrant, for a breach of the peace, on Hanson Hamilton, one John Pugh and two other regulators fell upon, compelled him to desist and beat him with great cruelty.

On the 9th of September, the governor, in pursuance of instructions received from the minister, issued his proclamation for the pardon of all persons, whatever, concerned, even in regard to fines.

The new legislature met at Newbern, on the 23d of October. The governor informed the houses, that the king had left the regulation of Indian affairs to the colonies, whose legislature, it had been thought, must be the best judges of what their several situations and circumstances might require; but that the office of superintendant would be continued, for such matters, as required immediate negotiation between the crown and the Indians, which

could not, consistently, be regulated by legislative authority.

He observed, that, as it was not in the power of the king, to dispense with the act of parliament, respecting the legal tender of paper currency in the colonies, no petition for an emission of that currency, as a legal tender, could meet with success, and added, that this intimation was not intended to preclude the fullest consideration, that could be given, to any representation the assembly might make on that subject, or any plan they could suggest for that purpose.

As the affairs of the province must, in some degree, necessarily suffer delay, from the want of a regular agent at home, duly authorized to act in every case in which the colony might be concerned, he informed the houses he was authorized to give his assent to a law, for raising a sum sufficient for the salary of such an officer, provided he was appointed by an act, passed especially for that purpose; as the act was to originate in the lower house, it would follow, that the name of the person must be inserted there, although the other two branches of the legislature would each have a negative vote on the bill.

He drew the attention of the houses to a late act of parliament, for the encouragement of the culture of raw silk in America: as this object was of considerable importance to the mother country and the colonies, he pressed the houses to second the efforts of parliament and pursue such measures, by premiums or otherwise, as might induce the inhabitants of the province to enter with spirit and expedition, on so useful and profitable a species of culture.

He concluded by observing, that he was authorized to give them assurances, that the king's ministers had at no time, entertained a design to propose to parliament to lay any further taxes on America, for the purpose of raising a revenue, and that it was their intention to propose, at the next session of parliament, to take off the duties on glass, paper and colors, upon consideration of their having been laid contrary to the true principles of commerce. He assured the houses, such had always been and still were the sentiments of the king's present ministers and the principles by which their conduct towards America had ever been regulated, and expressed his reliance on the prudence and candor of the members, that they would give full credit to the late testimonies the king and parliament had afforded, of their attention and affection to the colonies, and this explanation of the measures of his servants; a confidence which would tend to remove the prejudices, excited by the misrepresentations of those who were jealous of the prosperity of Great Britain and the colonies, and would re-establish that cordiality and affection, on which the glory and safety of the British empire depended.

He renewed his application for a provision of lead and powder for the service of the king and the defence of the province, and recommended a strict examination into the state of the public finances.

The lower house replied, that the information he had been pleased to afford to them, as to the intention of the king's ministers, was very grateful to them and would be much more so, when they would find those designs carried into execution, even upon the consideration that the duties intended to be repealed had been laid contrary to the true principles of commerce, and expressed their

joy, to find that the sentiments of the king's ministers coincided with their own. They observed, that a provision of powder and lead, while the province enjoyed a profound peace, appeared to them, by no means necessary, as every tax or clog on trade must discourage commerce. They agreed with the governor in the opinion, that the public funds, at no time since the settlement of the province, required a more strict examination, and the necessity there was, that a settlement of all public accounts should be forthwith obtained, and the situation of the public finances of the province made known to the people.

On the 9th of May, 1770. governor Tryon's speech and the address of the house being read in parliament, Mr. Drake made a motion, that it was derogatory to his majesty's honor and to the freedom of parliamentary deliberation, to pledge the faith of the crown to the colonial assemblies, for the repealing or laying, or continuing any taxes or duties whatsoever: but it passed in the negative.

On the 2d of November, the speaker laid before the house a communication from the house of burgesses, of the province of Virginia, written on the 9th of May last.

It began by stating, that the house of burgesses, having attentively considered several late acts of parliament, and being of opinion, that they manifestly tended to deprive the inhabitants of the colonies of their essential rights and privileges, had thought it their duty, as representatives of a free people, to take every regular step to assert that constitutional liberty, for the destruction of which, those laws seemed to be enacted; and had thought, proper therefore, to represent that they were sensible

of the happiness and security they derived from their connexion with, and dependence on, Great Britain, and their great concern, that any unlucky incident should interrupt that salutary harmony which they ever wished to subsist. They lamented, that the remoteness of their situation often exposed them to such misrepresentations, as were apt to involve them in censures of disloyalty to their sovereign and the want of a proper respect for the British parliament, whereas, they had indulged themselves in the agreeable persuasion, that they ought to be considered inferior to none of their fellow subjects in loyalty or affection.

They disdained any affectation of independence on from the parent kingdom, the prosperity of which they professed themselves bound to the utmost of their abilities to promote, and declared their cheerful acquiescence in the authority of parliament to make laws for preserving a necessary dependence and for regulating the course of trade in the colonies; yet they could not conceive and humbly insisted, it was not essential to support a relation between a mother country and colonies, transplanted from her, that she should have a right to raise money thenceforth without their consent, and presumed they did not aspire to more, than the national rights of British subjects, when they asserted that no power on earth had a right to impose taxes on the people, or take the smallest portion of their property without their consent, given by their representatives in parliament. This had ever been considered as the chief pillar of the constitution; without this support no man could be considered to have the least shadow of liberty; since they could have no property in that, which another could

by right take from them, when he pleased without their consent.

They observed that their ancestors had brought with them entire, and transmitted to their descendants, the natural and constitutional rights they had enjoyed in their native country, and the first principles of the British constitution were early engrafted into the constitution of the colonies. Hence a legislative authority, ever essential in all free states, was derived from and assimilated, as near as possible, to that of England. The executive power and the right of assenting to and dissenting from all laws reserved to the king, and the privilege of choosing their own representatives vested in the people, continued confirmed to them by repeated and express stipulations. The government thus established, they enjoyed the fruits of their own labour with a security which liberty alone could impart. Upon pressing occasions they applied to the king for relief, and gratefully acknowledged, they frequently received it from their mother country. Whenever their assistance became necessary, requisitions had been constantly made from the crown to the representatives of the people, who had complied with them to the utmost extent of their abilities, and the ample provisions made for the support of civil government, in the reign of Charles II. and, at his request, the large supplies, voted during the last war, upon the requisitions of the former and present king, afforded early and late instances of the disposition of the assemblies of the province of Virginia, and were sufficient proofs, that the parliament of Great Britain, had not,

till lately, assumed the power of imposing taxes upon the people for the purpose of raising a revenue.

They added, that to say, that the commons of Great Britain had a right to impose internal taxes on the inhabitants of the continent, who were not, and could be, represented, was in effect to bid them prepare for a state of slavery; for the colonies having no constitutional check on their liberality in giving away their money, could not have an opportunity of explaining their grievances or pointing out the easiest method of taxation, and their doom would generally be determined, before they became acquainted, that the subject had been agitated in parliament.

They observed, the oppressive stamp act confessedly imposed internal taxes; and the late acts of parliament, granting certain duties on the British colonies, plainly tended to the same point. They complained that duties had been imposed to enhance the commerce of one part of the empire, that were likely to prove injurious to another, and by this means the welfare of the whole was injured; and duties imposed on such of the British exports as were necessities of life, to be paid by the colonists on importation, without any view to the interest of commerce, but merely to raise a revenue, or in other words, to compel the colonies to part with their money against their inclination, they conceived to be a tax internal to all intents and purposes, and it could not be thought just or reasonable, that, restricted as they were in their trade, confined in their exports, and obliged to purchase these very necessities in the British market, they should be told they could not have them without paying a duty for them.

They considered the act suspending the legislative power of the province of New-York, as still more alarming to the colonists, although it had that single province in view; for, if the parliament could compel them to furnish one single article to the troops, sent over, they might by the same rule, oblige them to furnish clothes, arms and every other necessary, even the pay of the officers and soldiers, a doctrine replete with every mischief and utterly subversive of all that is dear and valuable; for the colonists could derive no advantage from the right of choosing their own representatives, if those representatives, when chosen, were not permitted to exercise their own judgment and were under the necessity, on pain of being deprived of their legislative authority, of enforcing the mandates of the British parliament.

The house of burgesses stated, that these sentiments had been expressed in an address to the king, a memorial to the lords and a remonstrance to the house of commons; that the council of the province had concurred in them, and James Abercrombie and Edward Montague, the agents of the province, had been directed to unite in their best endeavors to obtain redress of the grievances complained of, and to co-operate with the agents of the other colonies, in every measure that should be deemed necessary on this delicate point.

They concluded with a hope, that they had expressed themselves on the occasion, with a firmness that became freemen, pleading for their fundamental rights, and with a decency, that would exempt them from an imputation of faction and disloyalty; and they had made known their proceedings on this sub-

ject, with, a view that the representatives of the people of North Carolina, being acquainted with them, might go hand in hand in opposition to measures which had an immediate tendency to enslave them, and were persuaded that the candor of the house would not consider it in any other light, and trusted, that by a hearty union of the colonies, the constitution might again be established on its genuine principles; an end equally to be desired, both by the mother country and the colonies.

The house came to a resolution, that the sole right of imposing taxes on the inhabitants of the province, was, and had ever been, legally and constitutionally vested in the the house of assembly, lawfully convened, according to the ancient and established practice, with the consent of the council and the king, or his governor; that it was the undoubted privilege of the inhabitants of the province, to petition the king for the redress of grievances, and it was lawful and expedient, to procure the concurrence of the other colonies, in dutiful addresses, praying the royal interposition, in favor of the violated rights of America; and that all trials for treason, misprision of it, felony or any other crime, committed in the colony, by any person residing in it, ought, of right, to be in one of the king's courts, held there according to its fixed and known rules of proceeding; and that seizing any inhabitant on suspicion of any crime committed in the province, to be sent beyond sea for trial, was highly derogatory to the rights of the British subjects, as thereby, the inestimable privilege of being tried by a jury of the vicinage, as well as the liberty of summoning and producing witnesses, at the trial, was taken away from the party accused.

An address was prepared for the king. It began by assurances that his subjects, in North Carolina, were distinguished by their loyalty and firm attachment to him and his ancestors, were far from countenancing treasons, and ready at any time to sacrifice their lives and fortunes, in defence of his person and government. It expressed the deepest concern, and heartfelt grief of the house, that their loyalty had been traduced, and those measures, which a just regard for the British constitution made necessary duties, had been misrepresented, as rebellious attacks on his government.

The house next observed, that, when they considered, that, by the established laws and constitution of the colony, the most ample provision was made, for apprehending and punishing any person, who should dare to engage in any treasonable practice, or disturb the tranquillity of government, they could not, without horror, think of the new, unusual, illegal and unconstitutional mode, recommended to the king, of seizing and carrying beyond sea, the inhabitants of America, suspected of any crime, to be tried in any manner contrary to the ancient and long established course of proceeding; they pitied the deplorable situation of an American, who, having incurred the displeasure of any person in power, might be dragged from his native home and his dearest domestic connexion, thrown into a prison, not to await his trial before a judge or a jury, from a knowledge of whom, he might be encouraged to hope for speedy justice; but to exchange his imprisonment in his own country, for fetters among strangers, conveyed to a distant land, where no friend nor relative would alleviate his distresses or minister to his necessities, and where no witness could be found to testify his innocence, shun-

ned by the respectable and honest, and consigned to the society and converse of the wretched and abandoned, he could only pray them to end his misery with his life.

Truly alarmed at the fatal tendency of these pernicious councils, and with hearts filled with anguish, by invasions so ingenious of their dearest privileges, the house prostrated themselves at the foot of the throne, beseeching the king, as their sovereign and father, to avert, from his faithful and loyal subjects, the miseries which must necessarily be the consequences of such measures.

The address concluded, by expressing the firm confidence of the house, in the royal wisdom and goodness, and assurances, that the daily prayers of his people in the province, were addressed to the Almighty; that he might, long and prosperously, reign over Great Britain and his other dominions; and that, after death, he might taste the fullest fruition of eternal bliss; and that one of his descendants might wield the sceptre over the extended British empire, till time should be no more.

The address, as well as the resolutions, was assented to, without a dissenting vote, and the agent of the province was directed to procure it to be presented to the king, and afterwards published in the English papers.

The only public act, passed at this session, was for the appointment of Henry E. M'Cullough, agent of the province.

The governor informed the house, by a message, that some of the resolves on their journals, after the assurances he had given them in his speech, had sapped the foundation of confidence and gratitude, torn up by the root, every sanguine hope he had entertained, to render the province any further service, if he had render-

ed it any, and made it his indispensable duty to put an end to the session.

The house replied, that his assurances, at the opening of the session, of the repeal of certain acts, so contrary to the interests both of Great Britain and America, had the repeal of them been in his power, would have been a certainty, upon which the house could not but have relied, without, indeed, sapping the foundation of confidence and gratitude, and justly forfeiting all title to his future favor and services; but, as those assurances were in consequence of expectation, formed on the intentions of ministers, to recommend such repeals to parliament, who might not be in place at the next meeting of that body, the house could not but think it a duty they indispensably owed to their constituents, to express their disapprobation of acts and measures, in their apprehension, grievous and unconstitutional. To this motive alone, they begged him to impute these resolves, and not to a loss of confidence in him, or a want of a very grateful remembrance of the signal services he had rendered to the province; and they took this opportunity of declaring to the world, that the benefit which had accrued to the province, from his administration, had excited in their bosoms, the warmest sensations of gratitude, and would, deservedly, obtain for him, the blessings of posterity.

The governor answered, he was sorry to observe, the house had founded their late conduct on a jealousy of the intentions of ministers, who might not be in office at the next meeting of parliament. He assured them he had received the sentiment, which he had communicated, as the voice of the crown, and did not believe a

change in the ministry, would produce any in the measures adopted by the king's present servants.

On meeting the two houses, a few hours after, he observed, he had met them with a most sincere disposition to forward public business. He made his public acknowledgments to the upper house, for the cheerful desire they had manifested of co-operating with him, and expressed his gratitude to the other, for the honorable testimony they bore to the rectitude of his intention, and prayed them to believe the interruption, which had been given to the business of the session, did not occasion more disappointment to them, than its cause produced real affliction to him.

He observed, the plan he laid before them for the management of their finances, if adopted by the legislature, and invariably pursued, would produce the happiest effects to the province; and he would be bold to say, if ever carried in any future session, into an act of the legislature, it would be acknowledged the most beneficial session the province ever witnessed, even if the act should be the only one passed. He lamented, that this blessing was not to be obtained, while the treasurers, late sheriffs, and their securities could command a majority in the lower house, and while a treasurer was suffered to absent himself, and withhold his public accounts from the general assembly, let the pretence of his absence be ever so urgent. He concluded, that, as his duty preceded every other consideration, he was compelled to dissolve the assembly.

In the beginning of the new year, the tranquility of the province began again to be disturbed. The regulators, assembling themselves in large parties, visited the

counties in the upper districts, ill treating those who refused to join the standard of revolt. Maurice Moore, the associate justice, who attended at Salisbury in the month of March, for the purpose of holding the superior court, reported to the governor, that the sheriffs of the several counties of that district, complained heavily of the opposition made to them, in the exercise of their duties, by the regulators; that it was impossible to collect a tax or levy an execution, "plain proofs, among many others," said the judge, "that their designs have even extended farther, than to promote a public inquiry into the conduct of public officers. This evil, though cognisable by the courts of law, no civil process could redress, for this obvious reason, that none could be executed among those people." The judge concluded his report by observing, he had advised the sheriffs, to petition the governor and general assembly; and he prayed, that it might not be found necessary to redress this evil, by means equal to the obstinacy of the people who had given occasion to it.

The contagion had spread even into the lower counties. In the month of April, Simon Bright, the sheriff of the county of Dobbs, having a warrant to apprehend Thomas Blake and John Coulie, two men who were attempting to spread the principles of the rebellion in that county, was attacked by a party of their proselytes, who killed James Lindsay, one of his assistants, and compelled the sheriff to abandon his purpose.

Richard Henderson, one of the associate justices, went up to Hillsborough, in the latter part of September, for the purpose of holding the superior court of law, for that district; but the regulators, who were as-

sembled in great numbers, forcibly obstructed the proceedings of the court, compelled the judge and other officers of justice, to leave the court house, took possession of the records and blotted a considerable part of them. After giving an account of these tumultuous proceedings, to the governor and council, the judge observed, that as to pointing out the most effectual steps, to bring the offenders to condign punishment, he was apprehensive no process could issue, in the present situation of affairs, that could bring about so great an end, as no obedience had been paid to any process whatever, by the insurgents, who, if apprehended, went under the existing court law, and were tried in the district in which the crime was committed, a circumstance, which the recent instances of their conduct being considered, left room to apprehend the inefficacy of every measure, that might be derived from that source. The judge proposed, that the legislature might be convened, immediately, and that the colonels of particular counties might be ordered to muster their regiments, in order to ascertain what number of men would be disposed to act as volunteers, on whose conduct, when called out, reliance might be placed.

The council, however, thought it best not to convene the legislative body, before the day to which it stood prorogued; this determination was, perhaps, produced by an unwillingness to have the session held in the upper parts of the province; a severe epidemic, which then raged in the eastern part of it, forbidding its meeting at the usual place.

A charter was granted to the inhabitants of the town of Hillsborough, authorizing them to choose a repre-

sentative in the lower house, a measure which is said to have been taken to secure a seat for Edmund Fanning, an attorney of influence, who has already been mentioned in this chapter and who was a great partisan of the governor and extremely obnoxious to the regulators; these people were so greatly exasperated by this circumstance, that they spoke of coming down in arms forcibly to prevent his taking a seat, and threatened, in case they failed in the attempt, to set fire to the town of Newbern; the governor was so apprehensive, that they would carry their threats into execution, that he caused a ditch to be dug along the part of the town, from Neuse to Trent river, which is bounded by Muddy and part of Queen street, and was the only inhabited part of it; orders were issued to the colonels of the militia in the counties on Neuse, and some of those on Tar river, to hold themselves in readiness to march on the first news of the approach of the regulators, and oppose their passage; colonel Leech, of the county of Craven, was directed to order his regiment into town, for the protection of the legislature.

The legislature met at Newbern, on the 5th of December; the governor received them in the palace, which had lately been finished, and to which he had now removed. The building was superior to any of the kind in British North America; and the writer of this history, who visited it in 1783, in company with the late renowned and unfortunate don Francisco de Miranda, heard that gentleman say, it had no equal in South America.

It was dedicated to Sir William Draper, the conqueror of Manilla, who was on a visit at governor Tryon's, and was said to be the author of the following lines, inscribed over the principal door, in the vestibule:

*Rege pio, felix, diris inimica tyrannis,
Virtuti has ædes libera terra dedit.
Sint domus et dominus sæclis exempla futuris,
Hic artes, mores, jura, legesque colant.*

Which are translated thus :

In the reign of a monarch, who goodness disclos'd,
A free, happy people, to dread tyrants oppos'd,
Have, to virtue and merit, erected this dome ;
May the owner and household make this the lov'd home,
Where religion, the arts and the laws may invite
Future ages to live, in sweet peace and delight.

The proportion of the new members was about the fourth of the whole. The attention of the legislature was drawn, by the governor's speech, to the abuses in the management of the finances of the province, the prevailing, real or feigned, complaints against public officers, the evils arising from the quantity of counterfeited money in circulation, and the injuries offered to the king's government, at and since the late superior court for the district of Hillsborough.

He said, it was a matter of great concern to every honest man in the province, that after the frequent solicitations which had been made, for a just statement of the public revenue, none had as yet been produced. He observed, the plan, he had laid before the houses, at the last session, stood unimpeached, as to propriety, regularity and method ; he referred it to the consideration of the houses, with a wish that a law might now be passed, for the adoption of it. He suggested the propriety of restraining public treasurers, by severe penalties, and the deprivation of their offices, from being directly or

indirectly engaged in trade, a restraint which would be a check against the temptation of employing the funds of the public as a stock for private trade, and allow the officers more leisure to attend to the duties of their stations; he complained of the liberty, former treasurers had assumed, of taking moneys at pleasure from one fund, to make up the deficiencies of others, a practice which had introduced much confusion in public accounts; and pointed out the necessity of establishing such regulations in the offices of the treasurers, as would prevent further irregularities, bring into public view past transactions and remove the jealousies which the people too justly entertained.

He besought them to make the most scrupulous enquiries, with regard to the complaints against public officers, which were either the cause or the pretence of the late disturbances, to provide for the redress of any grievance which might exist, and to establish fees of office, in so express and determined a manner, as would remove even the possibility of doubt or abuse.

He observed, the circulation of a large quantity of counterfeited money, afforded a presumption, that persons of property and ability were concerned in this kind of traffic.

He laid before the houses the depositions, which had been sent him, of the late disturbances, during the sitting of the superior court for the district of Hillsborough, and recommended them to provide for raising a sufficient body of men, under the rules and discipline of war, to march into the settlements of the insurgents, to aid and protect the magistrates and civil officers.

He made his grateful acknowledgments to the province, for the elegant edifice in which he met the houses.

He concluded, by acquainting the houses that, the king having indulged him with leave of absence, he should think his earnest endeavours well rewarded, if he could have the happiness, on his return to England, to inform his sovereign, that the wisdom of the houses had enabled him to give stability and a permanent regularity to the interior police of the province, and to restore the blessings of peace to its inhabitants.

Both houses echoed the sentiments of the chief magistrate ; the lower house observed, in regard to the evils, flowing from the great quantity of counterfeited bills in circulation, that nothing less could remedy them, than to call in all public certificates and currency, by an emission of a new medium, which, it seemed, the legislature would not be permitted to do.

They bewailed the approaching departure of the governor, and lamented, that it was a misfortune, peculiar to the province, that as soon as a governor had become acquainted with its constitution and the temper of its inhabitants, he was, by some ill fated means, removed ; an observation very complimentary, as all the governors of the province, since it had become a royal province, had long ruled over it, and were suffered to preside till their death.

A seditious piece, in the Gazette, in the form of a letter, directed to Maurice Moore, one of the associate justices, having arrested the attention of the lower house, was referred to the committee of propositions and grievances ; Hermon Husband, one of the members of the house for the county of Orange, being suspected of having had it published, was summoned before the committee, and, on his examination, appeared greatly to prevaricate ; his conduct, in this and other respects, was

referred to a committee of the whole house, who reported, that he was the publisher of the piece; that he was one of the people, calling themselves regulators, and had been a principal mover and promoter of the late riots and tumults, in the county of Orange and other parts of the province; that he had insinuated, that in case he should be confined, by order of the house, a number of people would come down and release him, an information, which the committee received as a daring insult offered to the house, tending to intimidate the members in the due discharge of their duty; the house concurred with the report, and came to a resolution, that the member had rendered himself unworthy of a seat in, and justly incurred the contempt, of the house, and a vote of expulsion immediately passed.

The governor, apprehensive that the return of this man into his county, especially under the irritation which his expulsion was calculated to excite, might be productive of fatal consequences, wished to have him arrested, and having called the council, submitted the propriety of the measure to their consideration. The board disapproved of it: however, at his request, chief justice Howard, one of them, heard witnesses at the council table, and issued a warrant for the apprehension of Husband: he was committed under it and remained several days in jail, before he could procure bail.

With a view to prevent a repetition of the tumults and riots, which had distracted the province, an act was passed, making it the duty of every justice of the peace or sheriff, on being informed of the assemblage of any number of persons, above ten, for the purpose of disturbing the peace, to repair to them, require and command them to disperse and return to their respective

habitations; and it was made felony, without the benefit of clergy, for such persons to remain assembled, to the number of ten, for more than one hour. It was made the duty of the justices and sheriffs to call the assistance of any of the king's able subjects, to apprehend the persons, thus continuing together. It was also made felony for any number of persons above ten, assembled together, with an intention of disturbing the proceedings of any court of judicature, to assault or threaten any judge or officer of the court, during the term; to assault any sheriff or coroner, in the execution of the duties of his office, or to demolish or destroy any church, chapel, court house, prison, or other house or out house.

It being found very difficult to bring to justice persons, who had heretofore been guilty of any of the above offences, the attorney general was authorized to prosecute them in any superior court or court of oyer and terminer, in the province, and, on an indictment found, the judges were directed to issue a proclamation against the defendant, commanding him to surrender himself and stand his trial, and, on failure, he was to be held guilty and outlawed, and his lands and chattels forfeited. The governor was empowered to make drafts from the militia to enforce the execution of the law; and persons found embodied and in arms, to oppose the military force, refusing, on the command of a justice or sheriff, to lay down their arms and surrender themselves, were to be treated as traitors.

With a view to encourage migration, all persons who had come immediately from Europe to the province, and such as might thus arrive thereafter, were exempted from the payment of taxes for four years. A college

was established in the town of Charlotte: these two acts were, however, repealed by the kings in council.

Quakers were exempted from military service, except in case of invasion or insurrection.

The inspection laws were revised.

The fees of attorneys and clerks were regulated.

The chief justice was allowed a salary of six hundred pounds per annum and fifty pounds for every court, in lieu of all other fees or emoluments of office.

With a view to diminish the strength of the regulators, in the county of Orange, by division, three new counties were established; one consisting of parts of the counties of Orange, Cumberland and Johnston, which, in compliment to the lady of governor Tryon, was called Wake; another of parts of the counties of Orange and Rowan, which was called Guilford, and a third out of the southern part of the county of Orange, to which, the name of Chatham was given.

In order to afford some relief against the great scarcity of a circulating medium, a temporary act was passed, forbidding sheriffs to sell property, taken in execution, for less than two thirds of the appraised value; chattels, for which two thirds of the appraised value could not be obtained, were to be received in satisfaction of the debt, and the plaintiff was at liberty to take lands, or give further time. The king, province and British merchants were not to be affected by this act.

The northern part of the county of Rowan was erected into a new county, to which the name of Surry was given.

With a view to encourage the establishment of post-offices and post roads, which had lately been established by the postmaster general, through the province, a law

was passed, making the expense of ferrying mail carriers a public charge, and compelling persons, called upon by the rider, to carry the mail, in case of sickness or failure of his horse, and forward it to the next office, at the expense of the postmaster general.

On the request of the lower house, the governor caused all the books and papers of the secretary's office, to be removed from Wilmington to Newbern.

Several thousand families of the Presbyterian denomination, having removed from the mother country and the northern colonies, settled in the frontier counties of the province, exposed to the dangers of savage Indians, and subject to all the hardships and difficulties of cultivating a desolate wilderness, under the expectation of enjoying, to the fullest extent, the exercise of their religious privileges, as a people, attached to the doctrine, worship and discipline of the church of Scotland, as summed up in the Westminster confession of faith; and the Presbyterian ministers were prohibited, by an act passed in 1768, from celebrating the rites of matrimony among their congregations, according to their confession of faith, by publication in their religious assemblies, nor allowed, without license, unless by paying a fee to the Episcopal clergymen, the incumbent of the parish: the rigor of the law was relaxed and Presbyterian ministers, legally called and ordained in any congregation of the province, were allowed to solemnize the rites of matrimony, according to the Westminster confession of faith, between persons of the Presbyterian denomination and members of the minister's congregation, without paying any fee to the minister of the established church of England in the parish.

Six thousand pounds of powder and two thousand pounds of balls and shot were directed to be purchased by the captain commandant of fort Johnson.

Just as the legislature was about to adjourn, information was received, that the regulators had assembled, in great numbers, at Cross creek; on which the assembly voted a sum of five hundred pounds, to be at the disposal of the governor, in order to enable him to guard against their approach towards Newbern, whither, it was reported, they intended to come and set the palace on fire.

The legislature was prorogued on the 26th of January.

With a view to prevent the regulators from being supplied with ammunition, the governor, early in the month of February, issued a proclamation, prohibiting all merchants, traders, or others, from supplying any person with powder, shot or lead, until further notice.

Towards the latter part of the month, a letter from Redmund Howell, from Halifax, to James Hunter, a chief of the regulators, was intercepted and forwarded to the governor. It appeared the writer had been sent into the county of Halifax, with a view to induce the people to rise and march to Newbern, in order to join the men who were gathered at Cross creek, and intended to proceed to Newbern; but, having been detained, by some accident, on the road, he heard, on his arrival in Halifax, of Husband's being admitted to bail, on which he judged it unnecessary to stir the people. He expressed

his belief of the facility with which this would have been effected, if it had appeared useful. Soon after, accounts reached Newbern, that the men collected, at Cross creek, had dispersed; they were reported to consist of a body of twenty-two hundred and to have several waggons in their train.

Early in the month of March, it was determined in council, to raise a force, from the several regiments of militia, and the governor was advised to march, at their head, into the settlements of the regulators and reduce them by force, to obedience to the laws, and while the troops were among them, to assist the sheriffs in levying the taxes, protect the election of a new member, for the county of Orange, in the room of Hermon Husband, and support the commissioners appointed to run the dividing line between the counties of Orange and Guilford, as none of those acts of government could be executed without the assistance of a military force.

On the 7th of March, the sheriff, clerk, register and other officers of the county of Rowan, met a committee of the regulators, consisting of James Hunter, John Inyard, William Welborn, Thomas Flake, John Cuny, James Wilson, Samuel Waggoner, David Gillespie, James Graham, Henry Wade, Peter Julian, Jeremiah Fields, John Vickney, Samuel Jones and Joshua Zagur: at this meeting the officers agreed "to settle with, and pay, every person in the county, any and all such sum or sums of money, as they or their deputies had taken through inadvertency or otherwise, over and above what they severally ought to have taken for fees, more

than the law allowed them to receive, without any trouble or law for the recovery of the same." The committee, on their part, agreed, that, "when any doubt should arise, all persons within the county, should give in their demands to such persons, as should be appointed by the people, in each neighbourhood to receive the same, and be determined by gentlemen, jointly chosen by both parties, whose judgment should be final." The persons were Mathew Locke, Hermon Husband, James Smith, James Hunter, Samuel Young, Thomas Person, John Cain and James Graham; John Frohock, clerk of the county court, Thomas Frohock, clerk of the superior court, John Brawly, register, Griffith Rutherford, sheriff, William Frohock, his deputy; Benjamin Miller, Andrew Ellison, Francis Locke, William T. Cole former sheriffs, Alexander Martin and John Dunn: they agreed to meet on the third Tuesday in May.

A special court of oyer and terminer was held at Newbern, on the 11th of March, under the late act of assembly, and bills of indictment were found against William Butler, John Gappen, Samuel Devincy, James Hunter, Mathew Hamilton and Rednap Howell, for riotously and feloniously breaking the house of Edmund Fanning, on the 25th of September, 1770, and others against the same persons and Hermon Husband, John Frost, Eli Branson, Thomas H. Smith, James Lowe, Daniel Smith, Jeremiah Fields, John Gogle, William Dunn, Henry Litterman, Thomas Welborn, Ninian B. Hamilton, Peter Craven, William Payne, Robinson Yorke,

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Reuben Sanderson, James Bignour, James Haridon, Samuel Culbertson and Patrick Crayton, for an assault on John Williams, at Hillsborough, on the 24th of September, 1770. Before the rise of the court, an association paper was drawn up, by which the subscribers solemnly engaged "to support government against the insurgents, at the risk of their lives and fortunes, and to adopt every salutary measure, in their power, for restoring peace and tranquility, and enforcing a due execution of the laws of the province." It was immediately subscribed by the governor, the members of the council, the speaker of the house of assembly, the grand jury and a considerable number of other persons of respectability. The paper was afterwards circulated through the county of Craven, and few persons withheld their signatures: similar papers were circulated in the neighboring counties, and they met with equal success.

On the 24th of April, governor Tryon, attended by several of the members of the council and a number of other influential characters, marched from the town of Newbern, at the head of about three hundred men, a small train of artillery and a number of baggage waggons, to the settlement of the regulators, according to the recommendation of the council. On the 3d of May, he found himself at the head of a small body of men, composed of detachments from the county of New Hanover, under the orders of colonel John Ashe, of the county of Craven, under colonel Joseph Leech, of the county of Dobbs, under colonel Richard Caswell, of the

county of Onslow, under colonel Craig, of the county of Carteret, under colonel William Thompson, of the county of Johnston, under colonel Needham Bryan, of the county of Beaufort, with a company of artillery, commanded by captain Moore and a company of rangers under captain Neale.

The army marched, on the 4th, to Hunter's lodge, in the county of Wake, where they were joined by a detachment from that county, under colonel John Hinton. A party was ordered to attend the sheriff in levying the fines, due from the men, who had attended a muster of the militia, without arms, on the preceding day, and in collecting the taxes due in the neighborhood, except from those who had joined the army as volunteers.

On the ninth, they marched to Enloe river, and encamped within a few miles from the town of Hillsborough, where they were joined by a detachment from the county of Orange, under colonel Edmund Fanning; here an express arrived from general Waddle, with the information, that the regulators had surrounded him, with a force more considerable, than it was possible for them to collect, and in consequence of the desertion, or what was much worse, the connexion he had discovered to subsist between his own camp and that of the regulators, he had the mortification to make a retreat to Salisbury, the only resource left him; accounts were also received, that the regulators were advancing, with the avowed intention of opposing the governor's march, and fears were entertained, they would reach Haw river soon enough to obstruct his passage, the ford of that stream being so easily defended, that, on

that contingency, the crossing of it must have cost a great deal of blood. The inhabitants of the neighborhood being generally disaffected to the government, no intelligence, that could be relied upon, was to be obtained, except that the regulators were in considerable numbers and determined to give battle.

The army marched through the town on the following day ; the sick were left there, as well as the carts attending the army, which were found to delay the march ; waggons were substituted for them ; the governor was joined by a volunteer company of light horse, under captain Bullock.

The troops advanced to Haw river on the 13th, and on the following day reached the great Alamance ; one third of the army was ordered to remain under arms, during the whole night, to be relieved every second hour.

On the 15th, a messenger from the regulators brought a petition to the governor ; the object of it was to desire, that he would redress the grievances of the people, as the only means of preventing that bloodshed, which, from the ardour of the leaders and of the troops on both sides, must otherwise ensue ; his answer was desired within four hours ; the governor sent the messenger back, with a promise that an answer would be returned on the following day, by noon. John Ashe and John Walker, who were sent out of camp on duty, were, in the evening, seized by the regulators, tugged up to trees, severely whipped and made prisoners.

At night, the orders of the preceding evening were renewed ; the cavalry were directed to keep their horses saddled, during the whole night, and to keep a grand

guard of ten men, at about half a mile towards the head of the camp, a little off the road to Salisbury.

The army moved the next morning, at break of day, without beat of drum, leaving their tents standing, and their baggage and waggons in the camp; one company, from the detachment of Johnston county, with such men as were not able to march briskly, remained behind, as a guard to the camp, under the orders of colonel Bryan; the waggon horses were kept in their geers, and the whole army was drawn into a hollow square.

At a distance of five miles from the camp, the armies being within half a mile from each other, three guns were fired, as a signal to form the line of battle, which was immediately done. The governor's men were drawn into two lines, at the distance of one hundred yards from each other; the detachment of the counties of Craven and Beaufort formed the right wing of the front line, and those of the counties of Carteret and Orange the left, with the artillery in the centre; the detachment of the county of New Hanover, and three companies of the county of Dobbs, formed the right wing of the second line, and those of the counties of Onslow and Johnston, with the rest of that of Dobbs, the left; the detachment of the county of Wake, with a troop of light horsemen from that of Duplin, reinforced the rear guard; the rangers covered the flanks on both sides, facing to the right; the troop of light horse, from the county of Orange, escorted the governor; the detachment of the counties of Carteret and Onslow were directed, in case of an attack on the left wing, to form an angle from their respective lines, to cover the left flank.

The regulators were encamped at some distance; their number exceeded, in a small degree, those of the

governor; they were headed by Hermon Husband, James Hunter and William Butler; they answered the governor's guns by three huzzas and beating to arms. A message was then sent them, in reply to their petition; the purport of it was, that the governor had, in every circumstance, both in his particular and legislative capacity, pursued every measure that was in his power, to quiet them, but without effect; he had now nothing to offer them, but was bound to require of them an immediate submission to government, a promise of paying their taxes, so long withheld from the public, an immediate return to their respective places of residence, and a solemn assurance, that they would no longer protect the individuals who were indicted, from a fair trial for their offences; he concluded, by allowing them one hour to consider, and if they did not then yield and accept so fair a proposal, the circumstances that would follow would be imputed to them alone.

On the arrival of the messenger at the camp of the regulators, they impatiently heard the reading of the governor's answer to their petition, and bid him return to Billy Tryon, and say they defied him, and battle was all they wanted; some of their leaders, however, prevailed on them to listen to a second reading of the paper; but they again expressed their impatience to come to an engagement, with the most violent imprecations. On the return of the messenger, the army marched to within three hundred yards of the regulators' camp, and there halted. The regulators advanced also, in order of battle, to a short reach of the road, where they halted likewise, waving their hats as a challenge, to dare their opponents to advance.

Governor Tryon now sent a magistrate and an officer, with a proclamation, commanding the insurgents to disperse within one hour: the magistrate read it aloud, in front of the lines; but they disdained listening to him, crying out battle! battle!! On the return of the magistrate, the governor understanding that the regulators proposed putting John Ashe and John Walker in front of their lines, sent a message, that, as he should keep the prisoners he had taken in a place of safety, he hoped the same care would be taken of those gentlemen. To this, they returned no direct answer; but proposed to surrender these two prisoners, if the governor would surrender those he had taken, seven in number. The proposition of so unequal an exchange, implying a concession on the part of the governor, was, at first, rejected; but, at last, at the solicitation of his men, who were apprehensive of the treatment that these two persons might receive, he agreed to the exchange. The enemy being tardy in their compliance, and the army complaining of the extreme heat of the sun, and manifesting great impatience to advance, it was thought advisable to lead them on. They marched in profound silence, till the lines of both parties met, almost breast to breast. The governor forbade his men to fire until he ordered them. The first rank were almost mixed with those of the enemy, who were stationed a little before the main body, and who now began to retreat slowly, to join their army, bellowing defiance and daring their opponents to advance. The army kept on till within twenty-five yards of them and then halted. The regulators continued to call on the governor to order his men to fire: several of them advancing towards the artillery, opening their breasts and

defying them to begin. The army saw them going to the spot they had determined to occupy, and which was best calculated to secure them, and annoy it. The ground they abandoned, was the place they wished the governor to occupy, and the only one he could, without action, obtain. He was entirely open to their fire, and most of them were secure from his; and, as the greatest part of the artillery was in the road, they disposed their best troops to attack it.

An adjutant was now sent, to the enemy's camp, to receive John Ashe and John Walker, who brought for an answer, that they would be surrendered within half an hour. He was sent back to inform the regulators, that the governor would wait no longer, and that, if they did not directly lay down their arms, they should be fired on. Fire and be d——d, was the answer. The governor, ordering his men to fire, was not immediately obeyed; on which, rising on his stirrups and turning to his men, he called out "fire! fire on them or on me." The action now began, and, almost instantly, became general.

The insurgents, pursuing the Indian mode of fighting, did considerable injury to the king's troops; but, owing to the artillery, and firmness of the latter, were, after a conflict of one hour, struck with a panic and fled, leaving upwards of twenty dead, and a number of wounded. The fugitives were pursued, and several prisoners were made. The loss of the governor was only nine killed, and sixty-one wounded. The laurels which he gained on this day, were sullied by a vindictive and intemperate behaviour. Towards the evening, when every thing was quiet, and the regulators defeated and dispersed,

captain Few, one of the prisoners made in the pursuit, was, by his orders, without a trial, hung on a tree.

On the following day, the governor issued a proclamation giving notice, that every person, except those who were outlawed or prisoners in the camp, who, within five days, would come in, lay down his arms, take the oath of allegiance, promise to pay his taxes and submit to the laws of his country, would receive a free pardon. The proviso was afterwards enlarged, from time to time, to the 10th of July, but the following persons were excluded from the benefits of the proclamation: Samuel Jones, Joshua Geague, Samuel Wagoner, Simon Dunn, jr. Abraham Creson, Benjamin Meritt, James Wilkinson, sen., Edward Smith, John Bumpass, Joseph Boring, William Rankin, William Robeson, John Winkler, John Wilcox, Jacob Telfair and Thomas Person.

The army marched, on the 21st, to Sandy creek, where they encamped and halted for a week. Detachments were sent to assist in the collection of taxes, and to disperse the regulators, who were lurking about in parties. A reward of one thousand acres of land and one hundred pounds, in money, was offered, for the apprehension of Hermon Husband, James Butler, Rednap Howel, and other chiefs of the regulators, or either of them, dead or alive. Parties were sent to lay waste their plantations. The army next proceeded to the Jersey settlements, crossing Deep river and Flat Swamp; they stopped two days and marched to Bethabara, a Moravian town, by Reedy creek.

By Procla
9 June

The army being joined by general Waddle, with a large body of men, returned on the 9th of June, by

Black Jack, Buffalo, Big Troublesome and Back creeks, to Hillsborough, which they reached on the 14th.

A special court of oyer and terminer, was held, for the trial of twelve of the prisoners, taken in the battle: they were indicted for high treason, convicted and received sentence of death, The execution of six of them was respited, till the king's pleasure was known. On the 19th, the others were executed. The whole army was drawn out under arms, except the quarter guard and sentinels. They formed and marched, in a hollow, oblong square; the artillery forming the front and rear faces: the first line, the right, and the second, the left face: the main guard marching in the centre, with the sheriff and prisoners: the light horse, covering the outside of the flanks to keep off the mob. This order of march had been sketched out, and given in general orders, by the governor, who stooped, in this manner, to point out the spot for the erection of the gallows, and to give orders for cleaning the field around, to make room for the army. An acute writer, in the newspapers of the day, observed, that the governor's minute and personal attention to these particulars, left a ridiculous idea of his character behind, bearing a strong resemblance to that of an undertaker at a funeral.

On the following day, the army left Hillsborough, and encamped at Stone creek. The next morning, the governor took leave of them, and proceeded to Newbern. The troops moved, by slow marches, to colonel Bryan's, in the county of Johnston, near the spot, where the town of Smithfield has since been established. The different detachments separated, and took the shortest roads to their respective counties.

On his arrival at Newbern, governor Tryon took shipping for the province of New-York, to take charge of the affairs of that government, to which he had been appointed.

Records—Magazines—Gazettes.

CHAPTER IX.

ON the departure of governor Tryon, the administration of the affairs of the province devolved on James Hasel, the president of the council, who was qualified on the 1st of July. He did not hold long the reins of government; for on the 11th of the following month, Josiah Martin, who had been appointed governor of the province, arrived from New-York at Newbern.

This gentleman was a brother of Samuel Martin, who had been a member of the British parliament and secretary of the treasury, and who, having been reflected on, in one of the numbers of the *North Briton*, fought in a duel, and wounded the famous John Wilkes, the author of that paper, in the year 1763. The governor was a native of England, had hitherto followed the profession of arms, and risen to the rank of a major.

He met the legislature, for the first time, in the middle of the month of November, in the town of Newbern. After some prefatory encomiums on the late governor, he congratulated the houses on the restoration of the province to tranquility and order, and recommended the consideration of effectual resolutions against the return of the evils that had lately disturbed it. To attain this object, he said, it appear-

ed necessary to obviate all just grounds of the discontent of the people and to afford the fullest possible evidence of the just administration of the finances of the province; to correct, as far as human prudence could, all manner of abuses and give every facility to the administration of justice.

He recommended, as war was still raging on the continent of Europe, and kept Great Britain in a state of watchfulness, which rendered caution in the colonies necessary, that the militia of the province be put on a respectable footing, and that provisions might be made for the establishment of fort Johnston, and supplying the garrison with sufficient stores.

He concluded by observing, that, as the public faith stood pledged, he conceived it needless to say any thing on the provision necessary to be made for defraying the charges of the late and important services of the troops, and expressed his hope that the house of assembly would, at least, indemnify the leader under whose auspices they had acted for his personal expenses, generously undertaken for the good of the province, and that this being done, the king's subjects, lately misled, having returned to their duty, the veil of oblivion should be drawn over the late unhappy troubles, and all the distinctions and animosities, which they created, extinguished.

At the request of the governor the members of both houses took the oath of abjuration, as altered by an act of the sixth year of the king's reign, which had never been used in the province.

The answer of the house of assembly was complimentary. They observed, that prohibited as they were, by an act of parliament, from any further emis-

sion of paper money, the inconveniencies arising from a want of specie to serve as a medium of trade (common in all young countries) were changed into real distress, equally felt and lamented by individuals and the public, and expressed their earnest wish, that the only mode for paying the public debt, which the circumstances of the country would permit them to adopt, might prove just and satisfactory to the public creditors.

It appearing, from a state of public funds made by John Burgwin, that a sum more than equal to the amount of the bills emitted in 1748 and 1754, had been collected, and that there would be a balance in favor of the province after the payment of the arrears, for which security had been given, of upwards of four thousand pounds; a bill was brought in and passed both houses, for discontinuing the poll tax and duty on liquors, and for the redemption of the bills issued.

The governor having received, during the session, the king's instructions to appoint commissioners to continue the southern boundary of the province; run in the year 1763, as far as the Salisbury road, till it should reach the Cherokee line, applied to the lower house to be enabled to defray the expense of that service. But the house, in reply, desired, through him, to have it made known to the king, that if the running of the line should be carried into execution, it would occasion the greatest injury to the province, as it would deprive it of a great number of useful inhabitants, by law and custom engrafted into its constitution, counteract a number of established laws

and take from it a great part of valuable land, possessed under patents, issued by the governors of North Carolina; cut off all communication and commerce with the Indians, by leaving only a tract of land over impassable mountains between them, and deprived the province of several thousand pounds, laid out in running the western line, which would, by this means, be taken into South Carolina.

Both houses concurred in instructions to the committee of correspondence, to direct the agent of the province to solicit permission to import salt from Spain and Portugal; the speaker was desired to address the speaker of the house of burgesses of the province of Virginia and request that the agent of that province might be instructed to use his interest for the same purpose. The governor was also addressed for his aid.

The house of assembly appointed a committee to draw up an address to the king, the lords and commons of Great Britain, setting forth, that the house, ever ready to support the king's honor and dignity, had with spirit and liberality fallen upon a method to pay the great expense of the late expedition against the insurgents, in support of the king's government; but being restricted from emitting a paper currency to be a tender in payment of debts, the only method they could, in the distressed situation of the country, fall upon, was by stamping debenture bills, as a temporary expedient, chargeable upon the treasury of the province; but, as the expedient was attended with great inconvenience to the public, and the individuals who were to receive them might sustain injury from their depreciation, and as those individ-

uals were those who had, at the risk of their lives, stood forth in support of the king's government and the constitution of the colony, they prayed that, in consideration of those people, as well as of the situation of the province, labouring under great distress for want of a currency, the act of parliament, against issuing a paper currency, might be repealed so far, at least, as respected North Carolina: and the committee were desired to set forth, in the address, that the house would frame the law, so as to prevent British creditors from suffering, in case such currency should depreciate in value.

The house of assembly addressed the governor for a general pardon to all persons, concerned in the late insurrection, except Hermon Husband, Rednap Howell and William Burke, whose crimes, they said, were too atrocious to merit any degree of lenity. He answered, that his wishes corresponded with the humane and generous disposition of the house, to conciliate the minds of the king's subjects and establish peace and good order throughout the province, on the firmest basis: he had anticipated their wishes; but, considering such a general pardon out of the limits of his power, he had offered such a measure to the royal consideration and would forward their request to Great Britain.

The bill, which had passed the house, for discontinuing the tax and duty, imposed for the redemption of the paper money, and another for striking twenty thousand pounds in debenture bills, on bank paper, to be exchanged for all such debenture and tender bills, as were in circulation in the province, were rejected.

An act was passed to indemnify such persons, as had acted in defence of government and the preservation of public peace, during the late insurrection, from vexatious suits, and another for appointing Henry Eustace M'Cullough, esq. agent for the province.

A town was established on the south side of Tar river, in the county of Pitt, which, in compliment to the new governor, was called Martinborough. The name of it was altered, in a few years after, to that of Greenville, out of respect to General Nathaniel Greene.

The settlements in the back part of the province rapidly increasing, a road was directed to be laid out, from the western frontier, through the counties of Mecklenburg, Rowan, Anson &c. Cumberland, to the town of Campbellton, on the northern bank of Cape Fear river.

On the 23d of December, the governor dissolved the assembly: no reasons were assigned for the measure; but it was believed to have been occasioned by the resolve of the house of assembly, declaring, that the collection of the poll tax and the duty on liquors, for the redemption of the currency, ought to be discontinued.

To prevent the effect of it, a few days after the legislature had adjourned, the governor issued his proclamation, stating, that the suggestion that the act, imposing the tax and duty, had its intended effect, by raising, from the people, the whole sum emitted upon the credit of those funds, and, consequently, that the tax and duty ought not to be collected, was a fallacy and a very gross misrepresen-

House dissolved in 1769

Nov 1769

1770

tation of the fact; the money collected having been diverted to other services and a great part of it remaining in the hands of the sheriffs and collectors, who had not yet accounted for it to the treasurers: therefore, it appeared that there still remained extant and in circulation, a considerable quantity of the bills of credit, for the sinking of which, the produce of the tax and duty was the only remaining appropriated fund, and the public faith stood engaged to continue them, till other funds were provided for the extinction of the paper, or till, by their means, it was collected and destroyed: he therefore warned the sheriffs and collectors to carry the acts of 1749 and 1754 into effect, until they were legally repealed.

In the course of the winter, a female adventurer passed through the province and attracted great notice. She had assumed the name of Lady Susanna Carolina Matilda, sister to the queen of Great Britain, and had travelled through the province of Virginia, from one gentleman's house to another, under those pretensions. She made astonishing impressions in many places, affecting the manners of royalty so inimitably, that many had the honor of kissing her hand.

To some she promised governments, to others regiments, or promotions of different kinds in the treasury, army and navy: in short, she acted her part so adroitly as to levy heavy contributions upon some persons of the highest rank. She received the marked attention of governor Martin and his lady, whilst in Newbern; and proceeded thence to Wilmington, where she was also received with great marks of distinction. At last, after remaining some days in Charleston, she was detected and apprehended. Her real name was Sarah Wilson; having

been taken into the service of one of the maids of honor to the queen, she found access into one of the royal apartments, and breaking open a cabinet, rifled it of many valuable jewels, for which she was apprehended, tried and condemned to die; but through the interposition of her mistress, her sentence was softened into transportation. She had, accordingly, been landed, in the preceding fall, in Maryland, where she was purchased by a Mr. W. Duval, of Bush creek, Frederick county. After a short residence there, she effected her escape into Virginia, and when at a prudent distance, assumed the name and character of the queen's sister, having brought with her, from England, clothes that served to favor the deception, and a part of the jewels, together with her majesty's picture, which had proved so fatal to her.

In the course of the summer, the governor visited most parts of the province, particularly, those in which the late disturbances and commotions had prevailed. In the month of August, the six regulator chiefs, on whom sentence of death had been passed, and whose execution had been respited by governor Tryon, received the king's absolute pardon. On the 24th, governor Martin granted a charter to the inhabitants of the town of Tarborough, in the county of Edgecombe, allowing them, among other privileges, that of electing a member to sit and vote in the house of assembly.

The meeting of the legislative body was postponed till the 25th of January. The governor apprised the houses, he had the king's command to propose the passage of an act of general pardon and oblivion, in favor of the persons, concerned in the late troubles, the effect of which was, however, to be

suspended till the king's pleasure was known, and expressed his hope, that, after extending mercy to the offenders against the public peace, it might be thought becoming the superintending care of the legislature to promote its future security, by permanent laws. He drew the attention of the house, to the necessity of framing a court system, on certain, settled and permanent principles, the acts for the establishment of the superior and inferior courts, which had been made temporary, expiring at the end of the session.

A select committee was appointed to frame a court law; they were instructed to make provision for the establishment of superior and inferior courts, in one bill; to vest the appointment of the clerks of the superior court, which heretofore belonged to the clerk of the crown, in the chief justice; to restrain the clerks of the pleas from selling the offices of clerks of inferior courts; to vest the power of granting letters of administration and testamentary, in the inferior, to the exclusion of the superior courts; to extend the jurisdiction of a justice, out of court, to causes to the value of five pounds.

A bill, framed according to those instructions, having passed the house of assembly, the council, on its third reading, proposed, that the district of Hillsborough should be abolished, and a new one erected at Campbellton, to be composed of the counties of Anson, Cumberland, Chatham, Guilford and Wake, and that the counties of Orange and Granville be added to the district of Halifax; that, in all cases of attachment, where the defendant resided in Europe, proceedings should be staid, before plea, one year; that the inferior court of pleas should be held by justices of the quorum; that

the clerk of the pleas should be permitted to reserve to himself a reasonable proportion of the profits and emoluments of the clerks of inferior courts. The house of assembly refused to concur with any of the amendments, except the second; the council passed the bill: it contained a clause, suspending its effect, till the king's pleasure was known, and, in this shape, received the governor's assent.

Some immediate provision, however, being indispensable, separate bills were introduced, to renew and continue, for a limited time, the acts under which the superior and inferior courts had hitherto been holden. On the third reading of the superior court bill, in the house of assembly, a clause was struck out, which had been introduced as an amendment, in the council. The object of it was to exempt the estates of such persons, as had never resided in the province, from the process of attachment, otherwise than according to the laws and statutes of England. On the return of the bill, the council insisted on their amendment, observing, that it was so penned, as to give to the people of the province every benefit, enjoyed by the people of England, in respect to attachments, and what that benefit was, or how far restrained, was left at large for the construction of courts of law.

The house answered, that they had struck out the clause, inserted by the council, after the most mature deliberation; they were of opinion, that it would be highly inconsistent with the commercial policy of the province, to relinquish the benefit of the attachment of the effects of those, who did not reside in the province, as from the absense of their persons, the creditors had no

security, but what was derived from their property in the province, upon the faith of which, those debtors had, in many instances, obtained credit. • They added, the privilege they claimed, was exercised by many, if not by all the American provinces, varied agreeably to the circumstances of each particular place, and regulated by colonial laws, and, in some instances, by the municipal customs, in certain liberties and franchises of Great Britain: and as they could observe nothing in their particular constitution that could vindicate a construction, so injurious to the country, they could not, in justice to themselves and their constituents, assent to it. They took notice, that the clause, proposed by the council, was not confined to the inhabitants of Great Britain; but extended its influence to persons, resident in other colonies, whose effects were thereby, guarded from attachment for any debt they owed to the inhabitants of the province, whose property was liable to become the subject of attachment, at their suits, for any debt they might owe to them.

The same amendment was made to that part of the inferior court bill, which related to judicial attachments; the house resisted the introduction of it, on the ground of its inutility; for, as the bill stood, the sheriff could not return that the defendant could not be found, unless he had been at his house or place of abode. The clause appearing inoperative, the house thought themselves bound to reject it, as its introduction would be considered, as presumptive evidence of an inclination, on their part, to relinquish the right of attaching the estates of persons, who had never resided in the province; a right which, under proper regulations, would appear equitable, and was essential to the well being of the colony.

They avowed it, as the sense of the house, that, by the laws and customs of Great Britain, no provision was made for attachments: that as far as they were known there, they existed by municipal customs, were confined to liberties and franchises, governed by the particular circumstances of place and people, and so essentially local in their application, as not to admit of being extended by any analogy to the province; and as they would have to be referred, in case the amendment of the council took place, to the laws and statutes of Great Britain, for a remedy by attachment, the application must, from what had been observed, be altogether nugatory and fruitless.

They expressed their belief, that the judges of the courts of law, zealous for the welfare of the province, would give a liberal construction to the clause proposed; but, by the laws in force, their decisions would be confined and fettered. With this restriction, the house thought, no legal, just interpretation could be formed, but what must operate as a denial of the benefits sought from the attachment laws, and they thought that, to secure so important a privilege, the mode of exercising it should be grounded on certainty, the law positive and express, and nothing left for the exercise of doubt and discretion.

They mentioned, as a circumstance that could not have escaped the notice of the council, that the law was to continue in force for six months, and from thence to the end of the next session of assembly; and in the manner in which the house had passed the bill, it was incumbent on the creditor to give his foreign debtor notice for a twelvemonth, before he could bind his effects by attachment: so that it was left altogether in

the power of government, to prevent this law having any effect whatsoever, with regard to foreign debtors, by putting an end to its operation, before twelve months (which must necessarily be the case) or a longer time expire.

The house bore the fullest testimony to the necessity of courts of law; and the many disadvantages which must arise from a failure of a due distribution of justice, on the criminal side, they observed, were too obvious to be mentioned; they hoped, the council would equally feel for the honor and interest of the province, and conscious of the benefit that had been derived by the people, from the right they had hitherto enjoyed, of attaching the effects of foreigners, they would not part with a provision, grounded on the principles of mutual and reciprocal justice, the privation of which must necessarily destroy that confidence and credit to foreigners and the neighboring colonies, upon which the trade and prosperity of the province depended.

The council rejected the superior court bill; the inferior court bill passed, but the governor withheld his assent from it.

A claim being presented to the house of assembly, for services stated to have been rendered the province, in running the late dividing line between the province and South Carolina, the house resolved, that, as the last assembly had so fully expressed the sense they had of the injury that would accrue to the colony, should the line they proposed to be run be carried into execution, and as the house were actuated with the same sentiments, they could not, by any means, consider any person employed in that service, as the servant of the province, and consequently could not think him entitled to any

allowance from the province, for any aid in the execution of a measure, so detrimental to its interest.

The house directed the committee of correspondence, to instruct the agent of the province to push the application concerning the liberty of importing salt from Lisbon into the southern provinces, with the aid of other agents; to endeavour to obtain some beneficial alterations in the present laws relative to naval stores, such as a liberty of proceeding to other ports of Europe, after touching at any port of England, and offer made to the navy, and also the liberty of conveying naval stores to any of the islands in the West Indies, in time of peace; both regulations to be subject to the control of the treasury, on apprehensions of war, &c.; to procure a continuance of the bounty on timber and staves, and to regulate it so as to suit American timber, the present dimensions being taken from the timber in Germany; to represent the particular distress and situation of the affairs of the province, especially as to the want of a currency, or other medium by which debts could be paid or executions satisfied; and that it was on these grounds the present valuation law had been passed; that being entirely confined to the inhabitants of the province, and in no way affecting British property, it was to be considered as an internal regulation; and to use his best endeavours to prevent the repeal of it; to recommend to his best care, the act, with the suspending clause, for the establishment of courts; to furnish him with the reasons on which it was passed, and to direct him, immediately and unremittingly to apply for the king's allowance of that act; the province having the melancholy prospect, till his pleasure was known, of continuing

without court laws, exposed to every dreadful circumstance that may attend the want of them.

To enter at large into the proceedings on the bill for continuing the superior court act for six months, and the great and important reasons that induced the house not to comply with the propositions made them concerning original attachments; that the house conceived they had fully guarded the property of new residents, by the clause proposed in the law sent home, and that so important did this matter appear to the province, that they could not think, by any means, of giving it up, and they submitted themselves and the unhappiness of their present situation, to the king's paternal goodness, not doubting but they would meet relief; choosing rather the misfortune of a temporary deprivation of laws, than to form a system whereby they might be left without any remedy on that point.

To explain to him the reasons, on which the expenses of running the southern boundary line, were not paid; that, in case another line should be ordered to be run, after weighing the complaint of the house, they would cheerfully answer the whole expense.

That as lord Granville's office had been shut for several years past, to the great inconvenience and grievance of the inhabitants of his territory, the agent might be directed to use his utmost endeavors, at the several boards, to induce the king to purchase the title of lord Granville, and that the lands in that part of the province, might be holden of the king, as in the others.

The house came to a resolution, *nem. con.* that the right of attachment of the effects of foreigners had been long exercised by the inhabitants of the province, in common with the other provinces in America, and se-

veral trading cities, liberties and franchises in Great Britain; that it had been found greatly beneficial to its trade and commerce, and the security of the property of individuals, and that the house could not, by any public act of theirs, relinquish this right, without at the same time abandoning the interest of their constituents and the peace and happiness of the province.

They directed their clerk to cause this resolve to be published, with all the messages that had passed between the two houses, in all the gazettes of the province, and of Virginia and South Carolina.

An act was passed, for the encouragement of the manufacture of pot and pearl ashes, by a bounty of eight shillings on every hundred weight of the former, and fifteen of the latter; and a town was established on the south side of the north-west branch of Cape Fear river, in the county of Bladen, which was called Elizabethtown.

On the sixth of March, the governor prorogued the legislature for two days; at the expiration of that short period, it appeared, that so many of the members of the house of assembly had returned home, that there did not remain a majority to constitute a house; those who remained, refusing to proceed to business, till a majority could be procured; the governor, being informed of this, sent a message to the speaker, informing him, that, according to the king's instructions, fifteen members were a quorum, and desired that the speaker might form a house with that number; the speaker replied, that the members in town were of opinion, that it would be inconsistent with their duty to their constituents, to legislate, unless a majority of the members of the house were in their seats. The governor issued his proclamation, dissolving the assembly.

The province received a considerable accession to its population; three hundred families arrived at Wilmington, from Scotland; they went up to the vicinity of Cross creek, and settled near the place occupied by those of their countrymen who had adhered to the pretender, and had left home about a quarter of a century before.

The ordinary courts of justice being now shut, the governor issued commissions of oyer and terminer, for the dispensation of justice, in criminal cases: in civil ones, no remedy could be devised.

In the month of June, the governor received, and soon after, communicated by proclamation, the king's instructions, restraining the governors of the American provinces and plantations, from granting any warrant of survey, or passing any patent for lands, without his special direction, except in favor of the officers, non-commissioned officers and soldiers entitled thereto, under the king's proclamation of the 7th of October, 1763, allowing persons, whose titles were not perfected, to withdraw their entries, receiving back the money paid, or wait and retain their right of priority.

In the fall, accounts reached the province, that the court bill had received the king's disallowance; and the governor was informed, that provision might be allowed by law, for attachments in cases, where the cause of action arose within the province: due proof being made, before the writs issued, in judicial as well as in original attachments, that the debtor had absconded, to avoid the payment of the debt, and that the ordinary process of law could not be served. The limitation of the jurisdiction of the superior, and the extension of that of the inferior courts, were deemed totally inadmissible. He was authorized to allow the jurisdiction of the inferior

courts, to the amount of twenty pounds, with an appeal, in cases of the value of five pounds or more, where the titles of land and the rights of the crown, were not drawn into question.

The legislative body was convened, and met at Newbern; on the 4th of December. After informing it of the fate of the court bill, the governor apprized them of the principles on which they might expect his assent to a new bill. He pressed upon them, the expediency of making it permanent, and allowing honorable salaries to the judges. He said he was authorized to state, that the rules which were insisted on, in regard to attachments, were those by which this kind of process was regulated, in the commercial cities of England, and other parts of Europe. He recommended, that proper compensation might be provided for the services of the officers of justice, in attending the courts of oyer and terminer, which the absence of a court law had imperiously called for; and reminded them, that it still remained with them, to render effectual the king's gracious intentions, towards the people, concerned in the late insurrection.

The house of assembly, in their answer, bewailed, as a circumstance, which added pungency to the distresses of the people, that there was so little expectation of relief from the interposition of government.

They added, that, loyal in their principles and practice, and zealously attached to the constitutional powers over them, they had been ready, on all occasions, to testify their obedience to every salutary measure, which the king, through his governor, had been pleased to recommend to them; and ruled by the same sovereign, and equally entitled to the blessings of the British constitution, with the rest of their fellow subjects, they claimed

a security for their properties, essential to their commercial interest, and uniformly enjoyed by the rest of the inhabitants of the other British provinces on the continent.

They observed, the idea of foreign attachments was inseparable from a trading people, and under the former happy constitution of the courts of the province, it gave credit to its inhabitants and secured to them the confidence of their neighbors, and the alteration, which was proposed, could not be considered as an adequate remedy for the mischiefs, which it was the purpose of their process to obviate, and such as they could not, in duty to themselves and their constituents, adopt.

They said, these sentiments were freely expressed, from an eminent desire to expedite the business of the session, and to prevent the delays which might arise from reserve.

They asserted, that the power of issuing commissions of oyer and terminer and general jail delivery, delegated by the king to his governor, could not be exercised without the aid of the legislature of the province. Calamitous as the circumstances of a people might be, from the interruption both of criminal and civil jurisdiction, the house judged the misery of such a situation vanished in comparison with a mode of redress, exercised by courts unconstitutionally formed, and it was a blessed particularity of the British code, that civil and criminal jurisdiction had its foundation in the laws of the land, and was regulated by principles as fixed as those of the constitution.

They concluded by declaring their unwillingness to make provision for defraying the expenses, attending a measure which they could not approve.

The speaker laid before the house a letter from the speaker of the house of burgesses of the province of Virginia, enclosing a copy of the resolutions of that house, on the 12th of March last, with a request that a committee might be appointed to communicate from time to time with a committee by them, then appointed; also letters from the speakers of the lower houses, in several provinces, expressing their approbation of, and concurrence with, the resolves. Whereupon the house came to a resolution, that the vigilance, displayed by the house of burgesses of the province of Virginia, in attending to every encroachment upon the rights and liberties of America, and the wisdom and vigor with which they had always opposed such encroachments were worthy the imitation and merited the gratitude of all their sister colonies, and in no instance more particularly, than in the proposed measure of appointing committees of correspondence, by which communication and harmony will be established among them, that they will be at all times ready to exert their earnest efforts and strenuous endeavors to preserve and defend their rights, of late systematically invaded.

John Harvey, the speaker, Robert Howe, Cornelius Harnett, William Hooper, Richard Caswell, Edward Vail, John Ashe, Joseph Hewes, and Samuel Johnston, were appointed a standing committee of correspondence and enquiry. They were instructed to obtain the earliest and most authentic intelligence of all such acts and resolutions of the parliament, or proceedings of administration, as might relate to the colonists and to maintain a communication with the other provinces. They were further instructed, without delay, to inform themselves particularly of the principles and authority, on which

was constituted the court of enquiry, said to have been of late held in the province of Rhode Island, with power to transport persons, accused of offences committed in America, to places beyond the seas to be tried.

The speaker was desired to transmit a copy of these resolutions, with a respectful answer, to the speaker of the house of burgesses of the province of Virginia, and a circular letter of thanks to the speakers of the several houses of assembly, who had so spiritedly adopted the patriotic resolutions and measures of the house of burgesses of the province of Virginia, for their obliging communications to the house.

The house took in consideration the acts of 1748 and 1754, imposing a poll a tax and duty for the redemption of the paper currency then emitted, came to a resolution, that the laws had had their effect, and the tax and duty ought to cease; they directed a bill to be brought for this purpose.

The house refused to admit Henry Irwin, who was elected as a member from the town of Tarborough, to which a charter, authorizing the election of a member, had lately been granted by the governor. The refusal was grounded on the principle, that the town did not contain sixty families, as required by the act of 1715, and had never before been represented.

The governor, in answer to the address of the house, said it was impossible for him to express the concern he felt, in receiving from one of the branches of the legislature of the province, professing to be dutiful and loyal subjects, an address, which he wished not to think, indecently arraigning the justice of his sovereign and his government; especially while, with the most friendly

beneficence, all the blessings of the British constitution were held out to them, their wishes indulged, in regard to the mode of proceeding against debtors, which they lament to have so much at heart, as far as could be done, without violence to their sacred and venerable fabric.

He observed, that the inconsistency of the proceedings by attachment, which formerly obtained in the province, their tendency to destroy commercial credit and confidence, and their obvious repugnancy to the particular statutes which were framed for their preservation, upon the most liberal principles of equity and universal justice, might be presumed to be the grounds of the restrictions, proposed by government; restrictions which he could take upon himself to affirm, were never designed, ungenerously to distinguish the province from its neighbors, but founded on the essential policy of assimilating the constitution of the colonies, to that of the mother country, and supported by the well known and generally received maxim, that the conveniency of particular members should yield to the general interest of the state.

He said he had seen, with real concern, intemperate resolves on the journal of the house, one of which, he seemed to think, had an apparent tendency to sap the foundation of the constitution, by cancelling that assurance of protection, the first great bond of the subject's allegiance. He added, that, if the doctrine they had first broached, that the aid of the legislature of the province was necessary to any legal administration of justice, could be received, it would follow of consequence, that a branch of it, declining to adopt any system, could unhinge the state, and dissolve all those solemn ties,

which, according to the British constitution, or form of government, happily and wisely gifted, reciprocally bound the sovereign and the subject in each other's mutual interest.

He observed, he was perfectly satisfied of the legality of the measures he had pursued for the public good, which had been, immemorially, recommended and never before authorized. He rejoiced in their salutary effects, and was willing to submit their expediency to their candor, when they should reflect, that, at the forced and precipitate conclusion of the last session, the province was left, by the legislature, destitute of any establishment for the distribution of justice: naked, defenceless and exposed to every injury; happily for the province, then consigned to rapine and disorder, there resided in the prerogative, a power to shield the subject from the hand of violence. Its protection had been sought and implored, and many parts of the province bore testimony to its wholesome influence.

The power, which had saved the province from the last state of confusion, with which it was threatened, and which the house had condemned, he said it would be his duty to exercise, as well as every other constitutional authority, entrusted to him by the king, whenever the security or welfare of his subjects would require. He lamented his disappointment, in the hope he had entertained, that the house would have thought it an indispensable duty, to have made a reasonable compensation to the judges and other ministers of justice, to whom the public are so much indebted; he doubted not, that since the house had determined otherwise, the gentlemen would find the noblest reward, in the consciousness of having greatly served their country. He concluded, by

beseeking the house calmly to consider the unhappy state of the province, how much its prosperity depended on the present measure, and how much it was incumbent on them to promote it.

The house prepared a court bill; but the council introduced into it such amendments, as were recommended in Great Britain. The house of assembly refused to concur with those alterations, and addressed a message to the council, in which they promised that, ever attentive to the faithful discharge of the important trust reposed in them by the inhabitants of province, the house, in the conduct of every public measure which, during the session had been submitted to their deliberation, had in view the interest and happiness of their constituents, as the grand object that ought to govern their determinations; appointed by the people to watch over their rights and privileges, and to guard them from every encroachment of a public or private nature, it became their duty, and would be their constant endeavor, to preserve them secure and inviolable to the present age, and to transmit them, unimpaired, to posterity. They stated, that they had given the court bill the attention it required, without suffering private interest, passion or prejudice to intrude upon their enquiries; conscious, from their late melancholy experience, of the unhappy consequences, attending the extinguishment of the civil and criminal jurisdiction of the province; dreading the continuance of the calamity, they still submitted to suffer only to avoid a greater misfortune; looking back upon past grievances, without reproaching themselves with being the cause of them, and trusted, that an impartial world would do them the justice to own, they contended for nothing more, than what they had lately enjoyed in

common with the rest of the king's subjects in North America.

The right of foreign attachment, they said, was exercised by their sister colonies, with every latitude requisite to promote their commercial interest, and to secure the property of the inhabitants; it was a right essential to every system of police and a security, inseparable from traffic. In a province, situated like North Carolina, where trade was the vital principle of the constitution, every circumstance, which placed the people on a more unfavorable footing than their neighbors, was to enrich the latter at the expense of the former, and build the increase of the trade of the one on the ruin of that of the other, and the house needed but to look to the colonies, adjoining them, to discover the invidious distinction, and to find cause to regret, that, with equal merit, they had been less the favorites of government.

They expressed themselves fully sensible in the application to the king, that the act, passed at the last session, for establishing courts of justice, reserving to the province, in its due extent, the right of attachment, had failed to obtain the king's concurrence; they lamented the ill success of their endeavors, but still flattered themselves, that their sovereign was not inexorable and that he would still lend an ear to the just complaints of his faithful subjects. To despair from obtaining relief from the grievances they were now laboring under, would be to impeach the justice of the British government, and to distrust the virtues of their king and father: and to sit patiently down, in an humble acquiescence, under the denial of a security by attachment, would be to render themselves unworthy of his royal interposition, and an implied resignation of the rights of subjects, and a violation of the duty they owed him, as the royal protector of them.

They manifested their intention of addressing the king on this interesting occasion, and hoped, that the council, equally jealous of the happiness of the province, would heartily concur with them, in a measure that promised the greatest probability of being accomplished, although their opinion might differ from that entertained by the house, and should be happy to find, that no passion, no private motive, influenced the consultations of the council; but that, with candor and moderation, they pursued the same object, though by different means.

They expressed their confidence, that, in amending the bill, the council had paid a strict attention to the plan proposed by the king to the governor; but the house, the most important branch of the legislature, could not conceive that the attachment clause, as proposed to them, gave a remedy equal to the evils it was intended to obviate; the limits, within which an attachment, so restrained, could only operate, were too confined to render that process beneficial; the oath prescribed, as a necessary previous requisite, rendered it unattainable by every one who was not a stranger to the pleasing influence of truth and honor, and subject to perjury; to swear that a man absconds to avoid the payment of debt, was to pry into the secret movements of the human heart, and to assume a province, not short of inspiration. The house could not regard the approbation of the council, obligatory upon their assembly, and whatever might ensue from the difference of opinion, it would not be difficult to decide, whether the calamity ought to be charged on the house, contending for a right, which the inhabitants of the province had for a long time beneficially exercised, or to those who urged an innovation on the constitution, which was to deprive the people of what they had so long enjoyed unimpeached.

The house heartily acknowledged for themselves and their constituents, the necessity of court laws, and without anticipating the horrors of a desertion of the inhabitants from the province, and the extinction of its name and political existence, they experienced in its present unhappy state, sufficient to induce them to wish for a change, upon legal and constitutional principles.

They observed, that the rules of right and wrong, the limits of the prerogative of the crown and the rights of the people, being well known and ascertained, to exceed either of them was highly unjustifiable: and were the attachment law, as hitherto enjoyed, as a small advantage, compared with that of having court laws, as the council contended it was, the right of the people to it was equal to the right to a more important object; in the smallest, it was bartering the right of the people for a present convenience; in a greater, it would be the same crime, aggravated only by its circumstances.

They took notice with surprise, that a doctrine, maintained by a former house of assembly, was now adopted by the council, who disclosed as their opinion, that attachments were not known to the common or statute laws of England; they then asked, what did government tender to the people, when it proposed to the last assembly a mode of attachments agreeable to the laws of England.

They added, they would assert, on all occasions, the necessity of attachments, in the manner the people had lately enjoyed them, in point of expediency as well as of right, and viewed in the scale of relation to the private dealings between subject and subject, it had every advantage that could be reasonably sought, as the trade of the province and its neighbors was principally confined

to the mutual and private intercourse mentioned by the council.

With regard to the allowance to the chief justice and attorney general, inserted by the council in the bill, the house answered, it was the undoubted privilege of the people, exercised by their representatives, to make a disposition of their own moneys; the interposition of the council, with respect to such a disposition, could only be considered as an infringement upon the rights of the people, and an open violation of a fundamental principle of the constitution. Sensible of the importance of the judicial character, and desirous to provide for those whom government might think proper to invest with it, in a manner worthy of the acceptance of men of integrity and eminence, the house said, they conceived the bill for regulating the fees of the chief justice, to be a provision not adapted to the circumstances of the province or to the dignity of the office, and they admitted, that a dependence on the precarious increase or decrease of suits, and the uncertainty which attended the collection of fees on them, created an inconvenience which they felt desirous of obviating: and when the king would be pleased to appoint judges, during good behaviour, they would show the most sincere gratitude for this advantage, both in their profession and practice, by giving a perpetual salary to such officers, as would do honor to the appointment; in the mean time, they could only think of making such provision for the chief justice, judges and attorney general, as should appear suitable to the circumstances of the province.

They concluded by observing, that the sentiments which ruled the conduct of the house, were submitted as circumstances, which, if they could not induce the

council to alter their determination, would, to that body and the world, afford the fullest conviction, that the house were sincere and determined in the measures they had adopted, and from which, in their judgment, they could not depart, without a breach of faith to the public and debasing their legislative character.

Soon after the meeting of the house, on the next day, the secretary brought a message, to require their immediate attendance at the palace.

Before they moved, they came to an unanimous resolution, that, having considered the king's instructions to the governor, in regard to the process of attachments, and sensible of the deplorable situation to which the country must be reduced, should the proposed restrictions be continued, they had felt it a duty, which they owed to themselves and posterity, to use every expedient to prevent it, and, therefore, a committee was appointed to prepare a dutiful address to the king, humbly soliciting him to withdraw an instruction, which, however equitable it might appear to his royal mind, ever attentive to the interests of his people, was so ill adopted to the circumstances of the province and to its commercial interest, as to render its operation extremely injurious to both; and to allow his governor to pass a law, which, though suited to the policy of the province, might be so framed, as not to be in any manner injurious to the interest of Great Britain, which his faithful subjects of North Carolina thought it their highest duty to promote.

The committee were instructed, in order to convey the address, in the most respectful manner, to the sovereign, and as the most effectual means of promoting its success, to address William Tryon, the governor of the

province of New-York, who, happily for the country, had for many years presided over it, and of whose wishes for its welfare they felt the fullest conviction, transmit him the address to the king, and request that he would forward it, support the earnest solicitations of the house with his interest and influence, and accept the important trust, as a testimony of the great affection the province bore to, and the great confidence they reposed in him.

When the house arrived at the palace, the governor told them, he had seen with infinite concern, so much time consumed by them and so great an expense incurred by the public, that he thought their longer attendance of no purpose, while they refused to adopt any plan for the due administration of justice, to which he had it in his power to assent; he observed, he had made them fully acquainted with the restrictions the king had laid upon his conduct, which he was sure had been calculated by government, on the most mature consideration, for the welfare of the people.

He desired the members to appeal to and consult their constituents, to state to them with candor the point for which they contended, and apprising them that the king had been graciously disposed to indulge their wishes, as far as was consistent with the principles of the constitution and the interest of all his subjects; then to ask them, whether they wished to relinquish all the blessings, all the advantages and all the security for their lives and property, which resulted from the regular execution of the laws of the province, for the contention for a mode of proceeding against debtors, applicable only to a particular case, which was in itself unconstitutional, and which, if it could be obtained, would not avail one person in a

thousand among them ; he expressed his belief, that, if these facts were fairly represented to the people, they knew too well their own interest, to make such a sacrifice, or to approve the conduct of the house.

To give the members such an opportunity, he prorogued the assembly, to the first day of March.

On meeting the houses, after this short recess, the governor told the assembly, he presumed they had returned fully informed of the sense of their constituents, in regard to the difficulties which had arisen concerning the court laws, and which had unhappily rendered the two last sessions abortive ; and he should rejoice to find, that it inclined the representatives of the people to accept the modifications, in regard to the process by attachment, which he had proposed at the last session : but if, contrary to his wishes, they were still deemed inexpedient, he had that confidence in regard to the house of assembly, which induced him to hope, they would no longer make the obtaining of a point, which they knew it was out of his power to yield, the indispensable condition of passing laws for the general administration of justice, in comparison of which, the matter contended for, allowing it all the utility and importance that its warmest advocates ascribed to it, was of very little consequence.

He added, that the law of attachment in every colony, as far as he had been able to inform himself, made no part of the several plans for the administration of justice ; but was in all a separate and distinct provision ; and from its having been for a small number of years woven into temporary court laws in the province, it did not appear to him necessary or expedient, that it should still remain incorporated in the fundamental constitution, and

he flattered himself, the house would with him, think it incompatible with every idea of good policy to renounce every security of the public peace, credit and happiness, every protection of the lives and property of a whole people, for a circumstance so clearly, so confessedly unessential. He added, he was not authorized to propose any thing new on the subject, and drawing the attention of the houses to the late barbarous murder of a store keeper on Cross creek, in the county of Cumberland, which appeared to be a prelude only to scenes more flagitious and tragical, if the hand of justice continued longer disarmed, urged them to lose no time in rescuing their country from distress by the re-establishment of its courts.

The house replied, they had come to the last session fully possessed of the sentiments of their constituents; they had however appealed to them again, consulted them and stated, candidly, the point for which they contended, and informed them how far the king was disposed to indulge their wishes, disdaining any equivocation or reserve that might leave them ignorant of the conduct they had pursued or the real motives which had influenced it; and they had the heartfelt satisfaction to inform him, that their constituents had expressed their warmest approbation of the late proceedings of the house and had given them the most positive instructions to persist in those endeavors to obtain the process of foreign attachment, upon the most liberal and ample footing.

Under these circumstances, they added, were they to adopt the modifications, proposed to them, they should violate the sacred trust the people had reposed in them, and disregard the line of duty, marked out for their conduct; the people were too sensible of the importance of

preserving that security in trade, which they had hitherto enjoyed, and knew too well their own interest to make a sacrifice of it, or to condemn the conduct of those who had exerted their utmost endeavors to retain it unimpaired.

They admitted, that in many of the colonies, the laws which governed the proceedings by foreign attachment, were detached from those which formed the general plan for the distribution of justice; but took notice that they were not, therefore, less secured to the inhabitants, they had equally the sanction of government, and were as permanent in their duration, as the court laws on which they necessarily depended; and when these colonies had made provisions for these purposes, by two distinct laws, they possessed the fullest assurance, that government would not deny its assent to either.

They assured the governor they would use their best endeavors to lessen the calamities the province suffered from the licentiousness of manner which was the consequence of the occlusion of the courts; thinking, that although the best of human institutions had been found unequal to a perfect prevention of crimes against the peace and security of mankind, the most barbarous murders having been sometimes perpetrated under the best regulated police, it was their duty, and they should not fail, to propose the best plan for the administration of justice, in criminal cases, that the circumstances of the delay would admit; which would have been effected at the last session, had it not been for the unexpected and precipitate manner in which he had been pleased to put an end to it.

The governor observed, that if by telling him, perhaps with great exultation, that the people had approved of the conduct of the house, and instructed their representatives to persist in their endeavors, the idea was intended to be conveyed, that the distressed state of the province was to be continued; because he had it not in his power to comply exactly with all their wishes in regard to a mode of proceeding, in some very material points peculiar to the province, which was holden by many to have been unguarded, too open and applicable to fraudulent and oppressive purposes; he could no more enter into the policy of such a plan of conduct, which, in his opinion, was without precedent, than he could help dreading the people would soon feel they made infinitely too dear a sacrifice.

As he has reason to believe opinions prevailed, but too generally, that government designed by the resolutions proposed concerning attachments, to put the inhabitants of the province upon a footing of disadvantage with respect to the rest of the king's subjects; he said it became his duty to prevent, as far as possible, the ill tendency of so unjust, derogatory, and ungenerous apprehensions. He therefore pledged most solemnly his honor, that there was nothing more foreign to the royal intention than so injurious a distinction of the province, and that the same benefit of the process of attachment, and every other provision would be allowed in the province, that was held by the people of Great Britain, if the colony did not render itself less deserving of the royal favor. He assured the house, that if he could entertain a belief, that the colony was by any measure to be deprived of a privilege, or advantage, common to the rest of the king's subjects, it would be as hurtful and humiliating to him

as to them, and he should consider it his duty to labor against it with all becoming zeal; a subject like them, he prized as highly the rights of that condition, and should as impatiently feel any violation of them, against which he owed them his thanks to providence, that there was a sure defence in their governor's justice and sacred regard for the British constitution.

He left it to their calm reflection to decide, how far he was chargeable with precipitation in the conclusion of the last session; he had waited with patience and longing desire to see measures taken for the deliverance of the country from the evils that impended it, and when he found, that the house insisted on provisions which his duty forbade him to admit, in the court bills, he had prorogued the general assembly, with the hope that, at a future period, in another temper, and after mature consideration, the house would propose a measure more conducive to the happiness of their country. It was with this expectation now that he met them, and he prayed, that he might not be disappointed.

He concluded, that, as a point of duty, he had always made the fairest and fullest representations to the king's servants of the transactions of the province, and he had fulfilled, unsolicited, every expectation that could be reasonably formed, from his heartfelt expression of regard to the welfare of the province, by collecting with much pains and industry, every light and information within his reach, from the laws of attachment in the other provinces, that could serve to illustrate the point insisted upon, and by communicating them to the secretary of state.

A bill having passed the house of assembly, for the establishment of superior courts, the council,

on the third reading of it, proposed that the part of it which related to attachments, and the clause repealing the fee bill of 1748, be made the subjects of a separate bill; that the former, should be drawn in such a mode as would please the house; but both should be suspended in their operations till the king's pleasure be known; and that the superior court law be limited in its duration to the period of one year: the house refused to concur, by a majority of thirty-three, with regard to attachment, and thirteen as to the fee bill. This is the first time that the yeas and nays of the members were recorded in the journal of the house.

In a message to the council, they complained, that nothing more favorable to the inhabitants of the province was offered, than what they had rejected at the last session: they said, they could not think of having the important point, for which they had so zealously and so justly contended, in a situation which would not afford the smallest probability of their obtaining it hereafter, on the ample and liberal footing which the trade of the province and its relations with the neighboring provinces required; neither could they abandon the clause, relating to the fee bill, the remuneration contemplated therein being precarious, and ill suited to the dignity of the chief justice, while there was a law providing a handsome salary on its expiration, for which they should not fail liberally to provide.

The council, in reply, urged the house to reconsider the bill, and expressed their hopes, that, from the wisdom and virtue of the representatives of the people, something might yet rise to stay the ruin

of the country. They repeated, that, in regard to attachments, they had claimed and adopted all that was ever enjoyed by the king's subjects in England, and they apprehended, that every step beyond the limits of the British constitution, would lead to error, fraud and injustice; and, considering the fee bill of 1748, as a solemn grant, from the legislature, of certain fees and perquisites to the chief justice, as a reward for his services, they could not reconcile it to their ideas of equity and justice, to take from that officer this permanent security for his support, without allowing him an equivalent: nevertheless, as they were willing, as much as possible, to remove every difficulty from the establishment of the courts, and as some sacrifice was to be made, when so much good was to be obtained, they repeated their offer to concur in a separate bill, for the repeal of the fee act, with a suspending clause.

They objected to the limitation of the jurisdiction of the superior court, thinking it reasonable, that all the king's subjects, should be left at liberty to sue in either court; and inconsistent to give, in one and the same bill, to the superior court, all the powers incident to the king's courts at Westminster, and, at the same time, to limit its jurisdiction in a manner, unknown to those courts.

They concluded that, if what they had offered was still thought inadequate to the views of the house, they could go no further, and must leave the rectitude of their intentions to be decided at some future period, when the ardor of the contest should have subsided, and the arguments, offered by the houses, should be impartially weighed.

The house reconsidered the bill and proposed a proviso, confining the process of attachment to cases in which proof of the defendant absconding, with the intention to avoid the payment of the debt, so far as his intentions could be judged, from certain circumstances, which should be considered as evidence of such an intention. These circumstances were stated to be, in case of a debtor, residing out, or who had never been in the province, neglect of payment, in other cases, his private removal out of the county, or concealment, in the creditor's belief, from the ordinary process, to avoid payment: the process was also confined to cases in which the cause of action, by the most liberal construction, in favor of the creditor, inhabitant of the province, could possibly be construed, to have arisen within it.

They refused to concur with the council, as to the fee act of 1743, or to strike out the clause, limiting the jurisdiction of the superior court, thinking that to leave the creditor at large, to bring his action for small sums in the superior court, would be distressing and oppressive to poor debtors.

Soon after their message was read in the council, the governor sent to that body a copy of two articles of the king's instructions to him, which, he observed, were couched in words, so express and plain, and so pointedly forbade his assent to the bill, with the amendments proposed by the house of assembly, that he hoped the council would think it inconsistent with their duty to the king, to advise him to offend against his instructions, by passing the bill. In one of these articles, it was said the king would

not consent that the jurisdiction of his superior court should be limited, in cases of any value whatever; by the other, the governor was forbidden to re-enact any law to which the king's assent had been before refused, without express leave for that purpose, obtained upon a full representation to be made through one of the principal secretaries of state, of the reason and necessity for passing such a law; nor to assent to any law, repealing any former law of the province, unless there be a clause inserted in it, suspending its operation till the king's pleasure be known.

The council, however, agreed to the amendment as proposed by the house of assembly, and it having taken place, the bill, at length, passed the last reading.

Before the house went to the palace, to present, for the governor's assent, the superior court bill, a resolution passed, without a dissenting vote, that the house and the council had pursued every useful measure, in their power, to relieve the colony from the distressed situation to which it was reduced, for want of court laws, and, that as well by the bills already passed as by those still under consideration, they had exerted their utmost endeavors to lessen the present and to prevent the future calamities of the colony.

In rejecting the superior court bill, the governor said, he could never find himself in a situation more affecting to his sensibility, than when his duty to his king opposed his compliance with their wishes: he had flattered himself, his open, free and candid communication of the royal instructions and

his repeated assurances, that his conduct must be regulated by the sincere inclination he had constantly expressed and manifested, to concur in any consistent plan, not repugnant to those rules, would defend him from the tender feelings that oppressed his heart. He besought them not to make him any longer mourn over the miseries of the colony, with a heart felt devotion for its service; because he was not allowed to do all they wished; he dismissed them for further deliberation, with a prayer that the Almighty might guide their councils, to the perfect restoration of the prosperity and the greatest advancement of the glory and happiness of the province.

The house appointed a committee to draw up a loyal and dutiful petition to the king and parliament, praying for the repeal of the statute, preventing bills of credit being issued in the colonies, so far as it regarded the province, and to allow the passage of a bill to make the debentures of the province a legal tender in all payments, and that in case it was thought improper to grant the request of the house, the king might be pleased to withdraw his instructions to the governor, forbidding to pass any law subjecting the property of debtors, taken in execution, to a valuation, and that the house might be allowed to pass a law similar to the late act on that subject.

The house came to a resolution, that the power of attaching the estates of foreign debtors was founded on principles of the strictest equity, and was a benefit so essential to the commercial interest of the colony, that they thought it a duty which they owed to themselves and posterity, to retain it unimpaired, and that their not

being able to obtain a law, for continuing this power to the inhabitants of the colony, was the source from which its present distresses were principally derived ; that the late superior court bill, as it had gone from the house on the third reading, appeared to be well fitted to the policy of the country ; reserving to the colony the power of attaching the effects of foreigners, and, at the same time, guarding against any possible injury to debtors residing abroad ; that an extension of the jurisdiction of inferior courts would be of great benefit to the colony, and that, therefore, it was the duty of the house, to endeavor to obtain the king's permission to extend it.

The house appointed Thomas Barker and Alexander Elmsley, to carry the above resolves into effect.

Laws were passed, for establishing inferior courts, and a court of oyer and terminer, to be holden semi-annually in each of the judicial districts, by the chief justice, or in case of his inability, by justices, appointed by the governor ; jurisdiction was given to these courts, over the decisions of the inferior courts, by writs of error or appeal ; the jurisdiction of the county court, was confined to causes of no less value than five pounds, nor more than twenty pounds ; both acts were to continue in force only till the end of the session of assembly, after one year.

The recurrence to the press, for the supply of a circulating medium, in time of need, had been so frequent in the province and the neighboring ones, that the rapacity of the counterfeiters was excited, and their success had been so great, that they had supplied a considerable portion of the paper in circulation. It was judged necessary, in order to check their progress, to make this kind of imposition a felony, without the benefit of clergy.

Doubts having arisen, whether slaves, being considered by the laws of the province, as things not as persons, the maliciously killing of a slave was legal murder, an act was accordingly passed, making the first commission of this offence a misdemeanor, punishable by imprisonment only; a repetition of the offence was recognized as murder, and punishable, as in the case of the destruction of a white man.

A new county was formed out of the northern part of the county of Tyrell and the southern part of that of Halifax, to which the name of Martin was given, in compliment to the chief magistrate.

The house came to a resolution, that the poll tax and duty on liquors, laid in the years 1748 and 1754, for the redemption of the paper currency then emitted, ought long ago to have ceased; that the house had frequently passed bills to repeal the clause imposing them, and their not being able to obtain a law for that purpose, was a great grievance to the inhabitants of the province and oppression to its trade.

The treasurers were directed to issue orders to the collector not to receive the tax for the year 1774, nor the duty for liquors, imported after the first day of May following.

The house declared, they would consider such collector, as would receive the tax or duty afterwards, as guilty of a contempt of the resolutions of the house, and as meriting their highest censure, and that they would consider it as a duty, incumbent on them, to indemnify any person who might incur any damage, by acting in obedience to this order, in this respect; and that the public faith stood pledged to make good any deficiency,

should any appear, on the final settlement of the money collected, in virtue of the tax and duty.

In giving his assent to the bills, for the establishment of courts of oyer and terminer and inferior courts, the governor lamented, that no better system was offered for the dispensation of justice, than the establishment of county courts, the limited jurisdiction of which reached not cases of greater value than twenty pounds, leaving the people without relief in more important cases, a distinction quite irreconcilable to the impartiality of justice.

He said, that the measures which had been taken, to render ineffectual the powers he derived from the king, for the protection of his subjects in the province, and the pendency of the bill, for erecting courts for the trial of criminal matters, were reasons of the greatest weight with him, for giving his assent to a plan, so inadequate to the due administration of justice, so incompetent to the security of the public revenue, the collection of which was left to depend on the integrity of officers, which had appeared to him so inconsistent with every principle of good policy. Next to this consideration, he wished to assure them, he was willing to concur with the house, as far as possible, in the relief of the distresses of the province; and on the one hand, he well knew example to be of greater force than precept, so, on the other, he rested satisfied, that a short use of the expedients adopted, would convince the houses of their inefficacy, as well as of the integrity of his intentions and the rectitude of his conduct: after all, he was but too sensible, his assent to those bills, of a nature so unusual, new and extraordinary, would need all the apology he should be able to make, to his royal master.

He lamented the bad state in which the militia of the province was left, and observed, that the information lately received from the superintendant of Indian affairs, relative to the designs of the Indians, left him, at least, a doubt concerning them, and urged the propriety of the interposition of government, to prevent their outrages on certain of its people, settled in the Indian territory, in vengeance for whose encroachments, it was to be feared, the Indians might extend their violence against the innocent and unguarded inhabitants on the frontiers; and, as the prolongation of the session, for a day or two, would be far less inconvenient and expensive, than a new session, he pressed them to retire and consider, on proper means for the defence of the province.

A militia bill, accordingly, passed both houses and, on the following day, received the governor's assent. This was the last bill, to which the sanction of a governor was asked, in North Carolina.

On the 25th of March, the assembly was prorogued, and four days after was dissolved by proclamation; this measure was confessedly grounded on the assumption of a power unconstitutional, repugnant to the laws and derogatory of the honor and good faith of the province, by attempting to abrogate an act of the general assembly, upon which the public credit essentially depended; and, about one month after, the governor, by proclamation, called on all sheriffs and collectors to levy the poll tax and duty on liquors, notwithstanding the directions of the assembly to the contrary.

In the month of June, public notice was given, that the king, by his instructions to the governor, of the 9th of February, had established new orders and

regulations for the future disposal of his lands in the province, excepting to such reduced officers and soldiers to whom lands were directed to be granted, by his proclamation of the 7th of October, 1773; but had signified that it was not his intention that those persons, who had hitherto obtained warrants of survey, should be precluded from ripening them into grants, or that any claim to a grant, founded on any antecedent step, that could give an equitable title to it, should be precluded.

During the summer, the people, in the different parts of the province, openly avowed their intention of joining in the measures, proposed by the inhabitants of the province of Massachusetts. Meetings were held in the principal towns and in several of the counties, and a general one was proposed, to be composed of deputies, chosen in every county and town, entitled to representation, in the legislature. It was recommended to the delegates, to meet in the town of Newbern, on the 25th day of August.

On the 13th of that month, the governor issued his proclamation, complaining of the meetings which had then been held, without any legal authority, and in which, he said, resolves had been entered into and plans concerted, derogatory to the authority of the king and parliament, and stating his apprehension, that the same inflammatory, disloyal and indecent measures might be adopted in such future assemblies, inconsistent with the peace and good order of the government, tending to excite clamor and discontent among the king's subjects, requiring the people, on their allegiance, to forbear to attend

any such meetings, particularly the general one, and requiring the king's officers to oppose such meetings to the utmost of their powers.

The deputies, however, attended on the day appointed, and began their session, without any obstruction: they made choice of John Harvey, of the county of Perquimans, as their moderator.

The council, having been convened by the governor, and consulted on the steps which were most proper to be taken, advised him that "nothing could be done."

The meeting proceeded to business, and entered into a number of resolutions; in the preamble of which, they declared themselves impressed with the most sacred regard for the British constitution, and determined to maintain the succession of the house of Hanover. They expressed their unshaken fidelity to their sovereign and their attachment to their fellow subjects of Great Britain: asserting, that, viewing, with the utmost abhorrence, every attempt which might tend to disturb the peace and good order of the colony, or to shake the loyalty of the king's subjects, residing in it; but, at the same time, stating, that they conceived it a duty which they owed to themselves and their posterity, in the alarming state of British America, when their most essential rights were invaded, by powers, unwarrantably assumed by the parliament of Great Britain, to declare their sentiments in the most public manner, lest their silence should be construed as an acquiescence, and as a very strong evidence of their patient submission to the burden lately imposed on them.

After these preliminary declarations, they made a formal recognition of George III. as the lawful and rightful king of Great Britain and her dominions, and of the province of North Carolina and parts thereof, avowing their faithful and true allegiance to him, as their sovereign.

They stated, that they laid claim to no more than the rights of Englishmen, without any diminution or abridgement, which, it was their indispensable duty, and would be their constant endeavor, to maintain to the utmost of their power, consistently with their loyalty to the lawful sovereign and their great regard for the constitution.

They asserted it to be of the very essence of the British constitution, that no subject should be taxed, but by his own consent, freely given, in person, or by his legal representative, and that any other mode was highly derogatory to the rights of the subject, and a gross violation of the grand charter of their liberties; and that, as the British subjects, resident in America, had not, nor could they have, any representation in the parliament of Great Britain, any act of that body, imposing a tax on them, was illegal and unconstitutional, and the provincial assemblies (the king, by his governor, constituting a branch thereof) were alone competent to tax the people of their respective colonies.

They declared, that the duties, imposed by several British statutes upon tea and other articles, consumed in America, for the purpose of raising a revenue, were highly illegal and oppressive, and that the late exportation of tea, by the East India company, to different parts of America, was intended to give effect to one of the said acts, and, to establish a precedent, dishonorable

to America, and to obtain an implied assent to the powers which Great Britain had unconstitutionally assumed, of levying a tax on the American people without their consent.

They bestowed high encomiums on the inhabitants of the province of Massachusetts, for having distinguished themselves in a manly support of the rights of America in general; recognized the cause, in which they were suffering, as that of every honest American, deserving the blessings which the constitution bestowed on them; and bewailed the grievances under which the town of Boston was laboring, as the effect of a resentment levelled against its inhabitants, for having stood foremost in an opposition to measures, which must, eventually, involve all British America in a state of abject dependence and servitude.

They reprobated the statute, commonly called the Boston port act, as the most cruel infringement of the rights and privileges of the people of Boston, both as men and members of the British government, and the late statute for regulating the police of the province of Massachusetts, as an infringement of the charter right, granted by king William and queen Mary, and tending to lessen that sacred confidence which ought to be placed in the acts of kings; and the bill for altering the administration of justice, in certain criminal cases, within the province of Massachusetts, empowering the governor to send to Great Britain, for trial, all persons who, in aid of the king's officers, should commit any capital offence, as fraught with the highest injustice and partiality, and tending to produce the frequent bloodshed of the inhabitants of the province, while it furnished an opportunity of committing the most atrocious crimes with

the greatest impunity and without the least probability of punishment.

They asserted, a trial by a jury of the vicinity to be the only lawful inquest that could pass on the life of a British subject; and the right to it had been handed down to them from the earliest ages, confirmed and sanctioned by Magna Charta, and that every subject, punished without it, was not a victim to public justice; but a sacrifice to the power of tyranny and high handed oppression.

They bound themselves not to import after the first day of January, from Great Britain, any East India merchandise, except medicine, nor from the West India, any East India or British goods, nor purchase them imported by other persons, after that day; not to export tobacco, naval stores, or any other to Great Britain, nor sell the same for exportation there, after the first day of October, 1775, unless American grievances were previously redressed; not to import or purchase any slaves imported by others, after the first day of November; not to use, or suffer to be used in their families, any East India tea; and to consider all persons in the province, not complying with these engagements, as enemies to their country.

They voted, that the vendors of merchandise, in the province, ought not to take any advantage of the non-importation, and sell their goods at the rates they were hitherto accustomed to sell.

The deputies manifested their approbation of the proposition of holding a general congress in the city of Philadelphia, in the month of September, to deliberate on the situation of British America, and to concert measures to effect the purpose of defending with cer-

tainty the rights of Americans, repairing the breach made in those rights, and guarding them for the future, from any violation, under the sanction of public authority. They declared, that the people of the province would break off all intercourse with any colony, city, town or individual, who would refuse or neglect to carry into execution such general plans as might be adopted by the continental congress; and that, viewing the attempts made by the minister upon the town of Boston, as a prelude to a general attack on the rights of the other colonies, they determined on contributions, in proportion to their abilities, to ease the burdens imposed upon that town, for their virtuous opposition to the revenue acts, that its inhabitants might be enabled to persist in a prudent and manly opposition to the schemes of parliament and render its designs abortive.

Proceeding to the choice of deputies to the continental congress, their suffrages united in favor of William Hooper, of the county of Orange, Joseph Hewes, of the town of Edenton, and Richard Caswell, of the county of Dobbs.

They were instructed to express the people's sincere attachment to the person and family of their sovereign, their determination to support his lawful authority in the province, and, in the meantime, their steady adherence to the first law of nature, a firm and resolute defence of their persons and properties against all unconstitutional encroachments whatever. To assert the right of the people to all the privileges of British subjects; particularly, that of paying no tax or duty, without their consent, and the exclusive power of the legislature of the province to make laws to regulate its internal polity, subject to the king's disallowance. To concur with the

delegates or deputies from the other provinces, in such regulations, addresses and remonstrances, as may appear conducive to a lasting harmony and good understanding with Great Britain, a circumstance most sincerely and ardently wished for.

It was resolved that, at every future provincial meeting, the votes should be taken by counties and towns, and it was recommended that a committee of five be chosen in each county, by such persons as should accede to the measures now proposed, to see that they be properly carried into execution, and correspond occasionally with the provincial committee of correspondence of the province.

The moderator, or in case of his death, Samuel Johnston, of the county of Chowan, was empowered to convene the present deputies, or such as might thereafter be chosen, on any occasion that might require it.

Records—Magazines—Gazettes.

CHAPTER X.

THE continental congress began its session in the city of Philadelphia, on the 4th of September, 1774. It was composed of delegates from all the British American provinces, except those of Canada, Nova Scotia, Georgia and Florida. Peyton Randolph, the speaker of the late house of burgesses, of the province of Virginia, was called to the chair of this august body: they proceeded on business, with closed doors, and the members were required to devulge such parts of it only, as the majority deemed unnecessary to remain secret.

The state of the province of Massachusetts, was one of the first objects of the consideration of the congress. They expressed their sympathy for the sufferings of the inhabitants of that province, under the operation of the late unjust, cruel and oppressive acts of the British parliament, and their most thorough approbation of the wisdom and fortitude with which, opposition to those unjust measures, had hitherto been conducted, and they earnestly recommended, to their brethren, a perseverance in the same firm and temperate conduct, in the hope, that the effect of the united efforts of North America, in their behalf, would carry such conviction to the British nation, of the unwise, unjust and ruinous policy of the British administration, as quickly to introduce better men and wiser measures.

They also recommended, that contributions, from all the colonies, for supplying the necessities and alleviating the distresses of the people of Boston, should be continued; and that the merchants, in the respective provinces, should forbear to send to Great Britain, any orders for goods and countermand those already given: and, some days after, resolutions were passed, for the suspension of the importation of goods from Great Britain and Ireland, and their dependencies, and of all goods manufactured there, after the first day of December, and inhibiting the purchase or use of any such goods. All exports to Great Britain, Ireland and the West Indies were directed to cease after the 10th of September, 1775, if the grievances of the American people, were not then redressed. The form of an association, for carrying into effect the requisitions of the congress, was drawn up, and subscribed by every one of the delegates.

A declaration of the rights of the inhabitants of the British American provinces, was framed and reference was made to all those which the parliament had lately violated. A petition to the sovereign, addresses to the people of Great Britain, the inhabitants of the province of Quebec and the twelve provinces, represented in congress, were drawn up, and letters were addressed to those who had neglected to send delegates, inviting them to join their brethren in what was deemed the common cause.

The congress recommended the meeting of the other delegates, on the 10th of May, and adjourned on the 26th of October.

In the course of the fall, governor Martin visited the province of New-York, and the administration of government devolved, during his absence, on James Hasell,

the councillor first named in the king's instructions, as president and commander in chief.

At the recommendation of the continental congress, contributions were now raised with great cheerfulness, for the relief of the inhabitants of the town of Boston, throughout the province; merchants of the first respectability, undertook to store and ship, to the port of Salem, the provisions which were, by this means, obtained: committees were also appointed, in every county and in the chief towns, to see the articles of association, entered into by congress, faithfully and punctually carried into execution.

Governor Martin returned from New-York, in the beginning of the new year. On the 10th of February, he issued a proclamation, relative to a purchase lately made by Richard Henderson, one of the late associate justices of the province, and his partners, from the Cherokee Indians, of a tract of land, about three hundred miles square, in payment of which, among other goods, a quantity of ammunition had been promised. This purchase excited the alarm of government and the people, from another circumstance: the company had issued advertisements, inviting debtors, fugitives from justice, and all persons, in desperate circumstance, to repair to the new acquisition, where assurances of an asylum were held out. The purchase included lands within the limits of the province of Virginia, and a portion of the lands granted by the king to the earl of Granville: it was made in violation of the king's proclamation, of the 7th October, 1763, and of an act of the legislature of the province, forbidding the acquisition of Indian lands, by individuals.

The meeting of the legislative body being fixed on an early day, in the month of April, at Newbern, John Harvey, of the county of Perquimans, the moderator of the late meeting of deputies, summoned them to meet at the same time and place, for the purpose of choosing delegates, to attend the continental congress, in the month of May. His advertisement was followed by a proclamation of the governor, intended to counteract its effect.

The delegates, most of whom were members of the assembly, met on the same day as the the legislature; and John Harvey was called to the chair of the assembly and that of the convention of deputies.

In addressing the house, on the 4th of April, the governor said, he met them with the hope that, dismissing every cause of private dissention from their minds, they would calmly, unitedly and faithfully apply themselves to the high and important office of legislation, in which they had so great a share, according to the constitution of their country, which now called upon them for relief, in a most peculiar and pressing manner: he looked with concern and horror to the consequences of the violent and unjustifiable proceedings, in some of the provinces on the continent, where, in many places, the innocent, unwary and ignorant part of the people had been cruelly betrayed into measures, highly inconsistent with their duty and allegiance to their king and state, tending to involve them in the most embarrassing difficulties and distress, and which, if pursued, must inevitably precipitate the colonies from their present unparalleled state of prosperity into a train of miseries, most dreadful to contemplate: from which ages of time would not redeem them to their now envied state of felicity.

He observed, the members of the houses were bound by their duty to the king, the state and the people, as well as he was by his, to obviate the contagion of these evil examples in the province, and to defend it, if possible, from the ruin and destruction to which they plainly led.

He expressed his infinite concern on the unhappy influence they already had. The meetings, to which the people had been excited, the appointment of committees, the violences those little, illegal, unrestrained and arbitrary tribunals had done to the rights of the king's subjects, the flagrant and unpardonable insults offered to the highest authorities of the state, by some of their acts, which had been made public, and the stop which had been put, in some of the counties, to the regular course of justice, in imitation of the unwarrantable measures, taken in other colonies, but too plainly evinced their baneful progress in the province, and loudly demanded the most effectual exertion of their restraining and coercing powers.

Addressing himself to the assembly, he told them they were now, by their duty to themselves and their constituents, most particularly called upon to oppose a meeting of the delegates, which the people had been invited to chose, and who were appointed to assemble in the place of the legislature. This illegal meeting, he said, pursuant to his duty to the king and the constitution of the country, and from his regard for the dignity of the house and the just rights of the people, he had endeavored to counteract and should continue to resist by every means in his power.

He asked what all this could mean? Whether the members of the house were not the lawful representa-

tives of the people in the province, and competent to every lawful purpose? Whether they would submit to see their constituents misled, to violate their dearest privileges, by wounding their dignity and setting up representatives, derogatory to their just power and authority?

He added, this was an insult to the house of so violent a nature, that it appeared to him to demand their every possible discouragement; for its evident tendency was to create a belief in the minds of the people, that they were capable of electing representatives of superior powers to the members of the house, which, if it could possibly obtain, would lead, by obvious consequences, to the destruction of the essence, if not the very being, of an assembly in the province, and, finally, to the utter dissolution and overthrow of its established happy constitution. This, he said, was one of the fatal expedients employed in some of the other colonies under the influence to factious and vicious men, intent upon promoting their horrid purposes, at the hazard of their country's ruin. He declared himself willing to believe they had been adopted in the province, more from a spirit of imitation than ill principles, and that the houses, clearly discerning the mischiefs with which they were pregnant, would heartily concur with him in opposing the first dawnings of so dangerous a system.

As an object of the greatest consequence to all the colonies, he recommended it to the attention of the legislature, to employ their utmost care and assiduity to remove those false impressions, by which the engines of sedition had labored to effect, but too successfully, a most unnatural division between the parent state and the colonies, which, under her protecting, indulgent and fos-

tering care, had attained a degree of prosperity beyond all example ; while the basest arts had been practised upon the innocent people, who had been blindly led to partake in a guilt, to which their hearts were confessedly averse, and thus, step by step, they were likely to be seduced from their duty, and all the bonds of civil society destroyed, unless timely remedies were applied, a melancholy prospect, that must seriously alarm every good subject, every humane, every honest man.

He besought the members of the houses, as guardians of the constitutional rights of the people, rigorously to oppose proceedings, so manifestly subversive of their freedom and happiness ; to undeceive and lead them back from the dangerous precipice, to which an ill spirit of faction was urging them, to the path of their duty ; to set before them the sacred tie of allegiance, by which, as subjects, they were bound to the state ; to inform them of the reciprocal benefits, which their strict observance of it would entitle them to, and to warn them of the danger to which they must expose themselves and property, and all that they held dear, by revolting from it.

He took notice that the members, both in the houses and in courts, had, in their several capacities, frequent opportunities, most solemnly to swear their allegiance, which was an implied duty from every subject, when it was not professed and declared, a circumstance which must have brought it home to their consideration : hence, he thought, they must be well qualified to explain the obligatory nature and importance of it to the people, who would naturally look up to them for a rule of conduct, in these wild and distempered times ; he declared his hope, that, taught by their example, the peo-

ple would immediately return to their duty and obedience to the laws, and gladly free themselves from that tyranny, which ill directed zeal and lawless ambition, by all the arts of misrepresentation and delusion, were courting them to submit to.

He mentioned, with satisfaction, that he had already received signal proofs of the steady loyalty and duty of a great number of the good people of the province, and he had the fullest assurance, that many more would follow their laudable example; he congratulated the houses upon these favorable presages, which, he persuaded himself, they would improve, to the honor and dignity of their country:

He said, the state of the colonies was, at the time, the subject of the deliberations of the great council of the nation, from whose wisdom and justice, every thing ought to be expected, consistent with the principles of the constitution and the general welfare of the empire, while the colonies continued in their duty, and the confessedly generous character of Britain, and the magnanimity of the sovereign, who, through the whole course of his reign, had uniformly made the happiness of his people the object of all his views, and the rule of action insured it; on this great arbiter of British rights, he thought it become them to rely, with the fullest confidence, and to deserve, by a dutiful behaviour, its favorable regard.

He observed, that, if the people of the province had any representations to make to the supreme powers of the state, the assembly were the only legal and proper channel of their applications, through which they might be assured of every attention to their dutiful petitions, and he trusted the house tendered too highly the rights of the people, committed to their guardianship, and

knew too well the limits of their own power, to consign them to any other hands, that must not only be disqualified to serve the people, but would infallibly divest the house of that dignity and consequence, which belonged to them, as the representatives of the people.

He pressed them, laying aside all passion and prejudice, calmly and with one accord, to pursue such a line of conduct, in those points of general concern to America, as might be most likely to heal the unhappy differences now subsisting between Great Britain and her colonies; to consider, how great an opportunity they now had to serve their country, manifest their loyalty to the best of kings, and demonstrate their attachment to the British constitution, the most free and glorious system in the whole world. He hoped, it would be their glory to record to the latest posterity, that, at a time when the monster, sedition, dared to rear his impious head in America, the people of North Carolina, inspired with a just sense of their duty to their king and country, animated by the example of her legislature, stood forth among the foremost of the king's subjects, to repel the fell invader of their happiness: thus redeeming their sinking country to posterity, and acquiring to themselves immortal honor and renown; while a contrary conduct must, at once, plunge a once happy land, into horrors beyond all imagination, whence nothing could recover it, but the generous hand of Britain.

In addition to the powerful motives he had detailed, he observed, he was authorized to say, that the unwarrantable measure of appointing delegates to attend a congress at Philadelphia, then in agitation, would be highly offensive to the king.

He next drew the attention of the houses to the particular state of the province.

The exhausted state of the treasury, the large demands on it that remained unsatisfied, the dues of public officers that remain unpaid, he said, called loudly for their attention, to the ill condition of public credit and the finances of the province.

He congratulated them on the fair opportunity which they had, of restoring to the province a permanent establishment of courts, as he had received the king's determination, on the proposed regulations, with regard to proceedings by attachment, which would be communicated in a special message.

In the address, which was prepared to this speech, the house began by observing, that they had met, with minds superior to private dissensions, determined calmly, unitedly and faithfully, to discharge the sacred trust reposed in them by their constituents, and, actuated by these sentiments, it behoved them to declare, that the assembly of the province had the highest sense of their allegiance to the king of Great Britain, to whom alone, as their constitutional sovereign, they acknowledged it to be due, and to whom they so cheerfully and repeatedly had sworn it; that to remind them of it, was unnecessary. This allegiance, all past assemblies had, upon every occasion, amply expressed, and the present representatives of the people should always be ready with pleasure to testify; sensible, however, that the same constitution, which established that allegiance and enjoined the oath, in consequence of it, had bound majesty under as solemn obligations, to protect subjects inviolate in all their just rights and privileges, wisely intend-

ing, by reciprocal dependence, to secure the happiness of both.

They contemplated, with horror, the unhappy state of America, involved in the most embarrassing difficulties and distresses, by a number of unconstitutional invasions of her rights and privileges, by which the inhabitants of the continent, in general, and of the province, in particular, had been precipitated into measures, extraordinary perhaps in their nature, but justified by necessity : from whence, among many other measures, the appointment of committees, in the counties and towns, took its birth, to prevent, as much as in them lay, the operation of such unconstitutional encroachments, and they expressed themselves unconscious of any step, taken by those committees, but such as they were compelled to resort to, for that salutary purpose.

They added, that, as it was not to be controverted, that the people had a right to petition for a redress of grievances, or to remonstrate against them, and as it was only in a meeting of the people, that their sense, upon such petitions and remonstrances, could be obtained, the right of assembling was undoubted : to attempt, therefore, under the mask of authority, to prevent or forbid a meeting of the people, for such purposes, or to interrupt their proceedings, when met, would be a vain effort to exercise power, in direct opposition to the constitution.

Far be it from us, continued they, even to wish to prevent the operations of the convention, now held in Newbern, or to agree with you in bestowing on them the injurious epithet of an illegal meeting. They are the representatives of the people, appointed for a special and important purpose, and to which, though our constitu-

ents might have thought us adequate, yet as our meeting depended on the pleasure of the crown, they would have been unwise to have trusted to so precarious a contingency, especially as the frequent and unexpected prorogations of the assembly, one of them in particular, as if all respect and attention to the convenience of the representatives had been lost, was proclaimed but two or three days, before the time which had been appointed for their meeting, left the people without the hope that the assembly would have been permitted to sit, till it was too late to appoint delegates to attend the continental congress at Philadelphia, a measure, which, they joined the rest of America, in thinking essential to its interests.

The house observed, they neither knew nor believed, that any base arts had been practised on the people, in order to lead them from their duty; but they knew with certainty, that the steps they had taken, proceeded from a full conviction that the parliament of Great Britain had, by a variety of oppressive and unconstitutional proceedings, made those steps absolutely necessary; they thought it, therefore, a duty which they owed to the people, to assert, that their conduct had not been owing to the arts of designing men, and had it much to lament, that the governor should have added his sanction to so groundless an imputation, as it had a manifest tendency to weaken the influence, which the united petitions of the king's American subjects might otherwise have upon their sovereign, for a redress of the grievances, of which they complained.

They added, they should feel inexpressible concern, at the information he had given them, of his being authorized to say, that the appointment of delegates to

attend the congress at Philadelphia, then in agitation, would be highly offensive to the king, if they had not been recently informed, on the best authority, of his very gracious reception of the united petition of his American subjects, addressed to him, by the continental delegates, lately convened in Philadelphia; from which they could not have the least reason to suppose, that a similar application to the throne would give offence to the sovereign, or prevent his receiving a petition for the redress of grievances which his American subject had a right to present, separately, or unitedly.

They assured the governor they should ever receive with pleasure, the information of any mark of loyalty to the king, given by any of the inhabitants of the province, but they expressed their great concern lest the manner in which he had thought proper to convey that information, should excite a belief that a great number of the people of the province were disaffected to their sovereign; to prevent this, they judged it incumbent on them solemnly to testify to the world, that the king had no subjects more faithful, than the inhabitants of North Carolina; none more ready, at the expense of their lives and fortunes, to protect and support his person, crown and dignity. They added, that if, however, by the signal proofs he spoke of, were meant the addresses lately published in the Gazette, and said to have been presented to him, they could receive no pleasure from his congratulations on that subject, but what resulted from the consideration, that so few had been found, in so populous a province, weak enough to be seduced from their duty and prevailed on by the base acts of wicked and designing men, to adopt principles so contrary to the

sense of all America, and so destructive to those just rights and privileges, it was their duty to maintain.

They improved the opportunity, the first that had been given them, of expressing their warm attachment to their sister colonies, and their heartfelt compassion for the deplorable fate of the town of Boston, and to declare the fixed determination of the province to unite with the others, in every effort to retain their just rights and privileges, which, as subjects of a British king, they possessed, and which it was their duty to transmit unimpaired to posterity.

In contemplating the exhausted state of the public treasury, the concern that they felt, was, they said, alleviated, from the consideration, that it was not owing to any misconduct of the assembly, who had hitherto been disallowed to pass any inferior court law, but upon such terms which their duty rendered it impossible for them to accept; by which means no list of taxables could be taken for 1773; and consequently no money collected to defray the charges of government for that year, and as the governor had not thought proper to meet the legislature, at the usual time, in the fall of the year 1774, the treasury, deprived of the collections of two years, was unable to enforce the great demands on it, till some law could be passed to replenish it.

Convinced of the necessity of courts of justice, they expressed their willingness to adopt any plan for the establishment of them, consistent with the circumstances of the colony, which might promise judges of capacity and integrity, for such they would, with pleasure, liberally provide.

The house passed resolves, approving the proceedings of the deputies of the continental congress; and expres-

sed their determination, as members of the community in general, to adhere to those resolutions shortly, and use what influence they have, to convince every individual in the colony to observe them.

The governor having laid the journal of the assembly before the council, they unanimously expressed an opinion, that the existence of such a house of assembly was incompatible with the honor of the crown and the safety of the people, recommended the governor to dissolve it.

On the 8th of April the governor dissolved the assembly by proclamation.

The convention came to a resolution, that as the happiness and prosperity of every state, greatly depends on providing within itself, articles necessary for subsistence, cloathing and defence, from common prudence and regard for the colony, they would encourage arts, manufactures, agriculture and every kind of economy, and use their influence with their constituents, and all persons connected with them to provide them.

They recommended to the committees of the several counties, to propose premiums to be given to the inhabitants, whose industry may appear a proper subject for their bounty.

They asserted the undoubted right of the people to meet and petition the throne for a redress of grievances, and that such a right necessarily included that of appointing delegates for that purpose, and resolved that the governor's proclamation forbidding their meeting, and the subsequent one commanding them to disperse, were illegal, an infraction on their just rights and ought to be disregarded, as a wanton and arbitrary exercise of power.

They declared their unqualified approbation of the proceedings of the late continental congress, and elected

the gentlemen attending it, on the part of the province, as its representatives, in the next.

Thomas M'Night, a delegate from the county of Currituck, being called upon to subscribe, with the other members of the convention, the association recommended by the continental congress, refused and withdrew; whereupon the convention declared him inimical to the cause of the liberty of America, holding him up as a proper object of contempt, and recommending to every person to break off all connexion, and cease to have any intercourse with him.

The governor having drawn the attention of the council to the conduct of John Harvey, the speaker of the late assembly, who had summoned the deputies to attend a convention, and had filled the chair of that body, the board recommended, that his name should be stricken off the list of justices of the county of Perquimans, as a mark of their indignation for the conspicuous part he had acted, in what they termed the most dangerous and unlawful proceedings.

On the separation of the deputies, the governor, finding the tide of events strongly running against him, collected a few pieces of cannon, which were scattered about the town, and placed them before the palace, with a view to intimidate the people. He despatched messengers to Cross creek, in the county of Cumberland, in the neighborhood of which, a number of emigrants, from the Highlands of Scotland, had lately settled; he greatly depended on their assistance: others were sent farther towards the mountains, with a view to persuade the people, who had been concerned in the commotions, during the administration of governor Tryon, that their exemption from the punishment, to which he represented them

as still liable, would depend on their ready assistance against the present unlawful opposers of the king's government,

In the meantime, committees were kept up, and met weekly, in every county and in the principal towns; the militia, every where, voluntarily turned out, to be trained, and furnished themselves with arms and ammunition, and every measure was taken to prepare for whatever opposition they might be called upon to make, to the adherents of Great Britain.

Governor Martin's conduct gave great cause of alarm to the people of Newbern: a letter of his, to general Gage, at Boston, of the 16th of March, had been intercepted; the object of it was to solicit a supply of arms and ammunition: it mentioned, that many of the inhabitants of the province began to find, that they had been misled, and seemed inclined to disengage themselves from the arbitrary power of the continental congress and their committees! A watchful eye was kept on his motions; at last the committee of the town interposed, seized and carried off, from the palace, six pieces of artillery. Unable to effect any thing, finding himself suspected and insecure, he now made a precipitate retreat to Fort Johnson, on the river of Cape Fear.

In the beginning of July, some disaffected persons, improving the opportunity which the suspension of order and government seemed to afford, made an attempt to induce a number of negroes, on Tar river, to rise, with a view to lead them on and effect a massacre of the white people. The plan was very near succeeding; but was fortunately disclosed to Thomas Respiss, of the county of Beaufort, by one of his slaves. A captain Johnston, of White Haven, in Connecticut, who had

lately come to Bath, for a cargo of naval stores, had been made use of to stir up the black people. Nothing had transpired till the evening of the 7th of July, the eve of the day, on which the tragedy was to have been acted. On the information reaching the committee of the county of Pitt, expresses were sent in different directions, to alarm the people of the neighboring counties. Forty negroes were taken up in the course of a few hours; they all nearly agreed in the account which they gave: they had been directed to fall, on the night of the 8th, on the white people of the family, in which they resided, and, after destroying them, to set fire to the buildings, and proceed thus, from plantation to plantation, till they reached the back counties, where they were promised to be received by persons, sent thither, and armed by government for their protection, and, as a reward for their exertions in the king's cause, they were to be enfranchised and settled beyond the mountains, in a free government of their own. In disarming them, a considerable quantity of arms and ammunition was secured.

The inhabitants of the town of Wilmington, apprehending that the governor might strengthen Fort Johnston and prepare it for the reception of a force which might be employed to distress them, or that he might encourage their slaves to repair and take shelter there, and afterwards arm them against their masters; assembled under the command of John Ashe, who had resigned his commission of colonel of the militia of the county of New Hanover, which he held under the king, they proceeded to the fort, to remove the artillery from it; but found, on their arrival, that the cannon and stores had been taken on board the sloop of war the *Cruizer*, and on board of which the governor had sought shel-

ter. They entered the fort and set the buildings in it on fire.

The committee of the town of Wilmington, by some of their resolves, which they published and circulated through the province, charged the governor with fomenting a civil war, and endeavoring to excite insurrection among the negroes: they declared him an enemy to his country and the province, and forbade all persons to hold any communication with him.

That of the town of Newbern, came to similar resolutions: they prohibited all persons from removing from Core sound, or any place near which the governor might be, without leave from the nearest committee, under pains of not being suffered to return.

The governor, in a letter of the 24th of June, to Lewis Henry de Rossett, one of the council, awkwardly attempted to vindicate himself of the charge of his having given encouragement to the negroes to revolt. He assured that gentleman he had never conceived a thought of that nature, and added his opinion, that "nothing could justify such a measure, but the actual and designed rebellion of the king's subjects, and the failure of all other means to maintain his government."

The continental congress met in the city of Philadelphia, on the 10th of May. In addition to the delegates of the twelve provinces, which had before been represented in congress, a delegate from the parish of St. John, in the province of Georgia, took his seat.

On the 15th of June, George Washington, one of the delegates of the province of Virginia, was ap-

pointed commander in chief of the American forces. The congress declared they would maintain, assist and adhere to him, with their lives and their fortunes.

Continental paper money was emitted, to the amount of three millions of dollars.

On the 26th of June, the congress having taken the state of the province of North Carolina into consideration, and taking notice, that the enemies of the liberties of America, were adopting measures to divide the good people of that province, and defeat the American association, recommended to all in that province, who wished well to the liberties of America, to associate for the defence of American liberty, and to embody themselves as militia, under proper officers, and resolved that, in case the assembly or convention of the province should think it absolutely necessary, for the support of the American association and the safety of the province, to raise a body of men, not exceeding one thousand, the congress would consider them as an American army and provide for their pay.

The 20th of July was observed, throughout the province, as a day of public humiliation, fasting and prayer, in pursuance of a recommendation of the continental congress.

This body ended its session on the first of the following month.

To the woeful catalogue of oppressions which first aroused the American people, were now superadded additional insults and injuries: the humble and dutiful petitions of the continental congress, flattered at first, with a gracious reception, upon thier intro-

duction to the throne, had been afterwards buried in a mass of useless papers, upon the table of the house of commons, and shared the common fate of American petitions and remonstrances, to be rejected or forgotten. Bills had been passed for prohibiting the fishery of the New England provinces, and restraining the trade of the other provinces to Great Britain, Ireland and the British West Indies; the minister still continued to pour troops into the town of Boston, reducing that once flourishing city, to a garrison, dealing out from thence, his instruments of tyranny and oppression, to overawe and influence the other provinces. His designs had hitherto proved unsuccessful, and heaven seemed to have assumed the protection of the injured and insulted colonies, and signally to have appeared in their favor, when, in the late battle of Lexington, six hundred raw, undisciplined provincials had defeated treble that number of regular troops and pursued them into their camp.

The provinces of New Hampshire, Rhode Island and Connecticut, in imitation of their brethren in Massachusetts, had enlisted bodies of troops, preparing for the last extremity, and determined to live free, or not at all; that of New York had, to the disgrace of those who represented her, as inimical to the liberties of America, boldly stood forth, determined to brave every danger, rather than to submit to the edicts of the minister, or desert the protection of their constitutional rights and privileges; New Jersey, Pennsylvania and the provinces to the southward had taken an honorable share in the line of defence, armed and equipped themselves, to avert the impending calamity. The latter, in addition to the com-

mon danger, dreading a civil war, as the most awful scourge of heaven, had a most dangerous enemy in their own bosom; and, after the measures which the minister had condescended to, in order to carry into effect his daring scheme, there was but little room to hope, he would hesitate to raise the hand of the servant against the master. Dr. Johnston, a pensioned tool of the ministry, in a late pamphlet, entitled *Taxation no Tyranny*, had spoken the intention of the administration, in a language too plain to be misunderstood: "The slave should be set free, an act which the lovers of liberty must surely commend, if they are furnished with arms of defence and utensils of husbandry, and settled in some simple form of government, within the country, they may be more honest and grateful than their masters," were the words of this prostituted court favorite."

In these circumstances, the utmost efforts being necessary to get and keep the province in a state of defence, Samuel Johnston of the county of Chowan, in pursuance of a resolve of the late convention, John Harvey, the moderator of that body, having died, summoned a meeting of delegates, to be holden in the town of Hillsborough, on the 20th of August. Soon after the appearance of this summons, governor Martin issued a proclamation of uncommon length; he began, by advertising to the proceedings of the committee of the town of Wilmington, in which he said, "the basest, most scandalous, seditious and inflammatory falsehoods, were asserted, evidently calculated to impose upon and mislead the people of the province, and to alienate their affection from the king and his government, and concluding in the true spirit of licentiousness and malignity, characterising the productions of those seditious combinations,

with the resolve, declaring him an enemy to the interests of the province in particular, and America in general; an impotent and stale device, which the malice and falsehood of these unprincipled censors had suggested, and which was the last contemptible artifice resorted to, and employed to calumniate every man, in every rank and station of life, who opposed their infamous and notorious proceedings."

He represented the conflagration at Fort Johnston, as a deed of "wanton barbarity, that would disgrace human nature, in the most savage state, and was an overt act of treason, which would have justified his immediate vengeance, restrained by pity for the innocent, misguided and deluded people, whom he considered, as the blind instruments of their atrocious leaders, who, defeated in the still more flagitious designs they meditated, and of which he had the fullest evidence, and already involved in guilt of the blackest die themselves, it might be presumed, urged on the people to every enormity that might make them appear principals, in their own treason, instead of the blind instruments of them, and by extending the guilt among many, save themselves from the penalties they had wantonly incurred."

The address of the late delegates to the continental congress was next noticed. The governor observed, "the preposterous enormity of it could not be adequately described and abhorred; it marked that assembly as the genuine source of those foul streams of sedition, which, through the channel of committees, had overflowed a once happy land, and now threatened it with every species of misery, ruin and desolation." From this, the proclamation passed to "the treasonable proceedings of an infamous committee, in the town of New-

bern, at the head of a body of armed men, in seizing and carrying off six pieces of artillery, the property of the king, that lay behind the palace; the repeated insults and violences, offered to the king's subjects, by those little, tyrannical and arbitrary combinations, and, among others, to some of the governor's servants, who had been stopped, searched and forcibly detained, when employed upon his business, the unremitting assiduity of those engines of sedition, to sow discontent and disaffection, and the base artifices they employed, to prejudice and alienate the minds of the king's subjects, by confidently and traitorously propagating the most base, scandalous and monstrous falsehoods of the king's religious and political principles, and the ill designs of his ministry, daring thus to defame, and even to traduce the character of the best of princes."

He alluded to the summons, lately issued by Samuel Johnston, "by which the people were invited to elect delegates to a provincial congress, in the town of Hillsborough, as a measure, subversive of the constitution of the province, and evidently calculated to seduce the king's loyal and faithful subjects, in the interior and western counties, whose steady duty to their king and country had hitherto resisted all the black artifices of falsehood and sedition, and had already, on his representation, the king's most gracious acceptance and approbation, which he was authorised to signify to the loyal people of the province, particularly in the counties of Dobbs, Cumberland, Anson, Orange, Guilford, Chatham, Rowan and Surry, who had given more special and public testimonies of their loyalty, fidelity and duty;" he gave them assurances of the king's most firm support, and expressed his confidence, that they

would not only confirm the good disposition of those people, but strengthen and enable them to baffle and defeat every effort of sedition and treason, prompt them also to resist their first approaches, by withstanding the now meditated, seditious attempt of the proposed provincial congress, to steal in upon them the spirit, and erect among them the standard of rebellion, under the pretence of meeting for solemn deliberation on the public welfare.

He forewarned the people to forbear making any choice of delegates, to represent them in the proposed provincial congress, as they would avoid the guilt of giving sanction to an illegal assembly, acting upon principles, subversive of the happy constitution of this country, and, by every means in their power, to discourage so dangerous and unconstitutional an assembly, and resist its baneful influence.

He offered the king's gracious pardon, for all outrages done or hitherto committed, to all such as would return to their duty, the king and obedience to the laws of their country, with ample encouragement and rewards, to such persons, as might deliver up to him the few unprincipled individuals, who had seduced the people to those treasonable outrages.

He denounced John Ashe of the county of New Hanover, and Robert Howe of the county of Brunswick, who, having been elected, by the people, colonels of the militia of their respective counties, had called the men out to be trained to arms, and forewarned the people from electing any military offices, or the persons thus chosen, from arraying the militia, without his commission or authority, in contempt and invasion of the king's prerogative.

Delegates to the provincial congress, were chosen in every county and chief town in the province; most of them met on Sunday, the 20th August; a house was not, however, formed till the next day; one hundred and eighty-four members took their seats.

It being represented to the congress, that endeavors had been made, by the enemies of the liberties of America, to persuade several of the inhabitants of the province, who had been engaged in the insurrections in the years 1770 and 1771, that they remained still liable to be punished, unless pardoned by the king, and that pardons could only be obtained, on condition, that they should, when required, take arms against such persons as should be devoted to destruction, for having taken an active part in the defence of American liberty, the congress came to a resolution, that they would, to the utmost of their power, protect such persons from any injury which may be attempted, on the pretence of punishing them, for any thing done by them, during the insurrection, or in consequence of it.

The congress appointed thirteen of their members to confer with such of the inhabitants of the province, as entertained any religious or political scruples, with respect to associating in the common cause of America, not to receive any ill impressions, that might have been made upon them, by the artful devices of the enemies of America, and to induce them, by any influence and persuasion, heartily to unite for the protection of the constitutional rights and privileges of the people.

The congress expressed their high approbation of the association, entered into by the continental congress, at their first meeting, agreed to adhere to it and recommended it to their constituents.

The members subscribed a test, professing their allegiance to the king, acknowledging the constitutional executive power of government, and solemnly declaring their absolute belief, that neither the parliament of Great Britain, nor any member, or constituent branch of it, had a right to impose taxes upon the colonies, or to regulate their internal police, and that all attempts by force or fraud to establish and exercise such claim and power, were violations of the peace and security of the people, and ought to be resisted to the utmost; and that the people of the province, singly and collectively are bound by the acts and resolutions of the continental and provincial congress; because, in both they are represented by persons chosen by themselves; and they solemnly engaged under the sanction of virtue, honor and the sacred love of liberty and their country, to maintain and support such acts and resolutions to the utmost of their power.

An address to the inhabitants of the province was published, stating the present controversy in an easy and familiar stile, in a manner obvious to the meanest capacity, calling upon them to unite in defence of American liberty, and vindicating, from the necessity to which the administration had reduced them, the taking up arms and assuming the controul of the militia and ascribing the silence of the legislative power of government to the refusal of the governor to exercise the functions of his office, by leaving the province and retiring on board of a man of war, without any violence or threat having been offered to him.

The congress unanimously resolved, that the inhabitants of North Carolina would cheerfully pay their proportion of the expenses, incurred by the continental

congress, in embodying and supporting an army, and that they would make ample provision for the redemption of such part of the sum emitted for that purpose, according to the rates fixed, or in proportion to the number of the people in the province.

The president laid before the house, a copy of the governor's proclamation, which had been directed to them. On its being read, it was resolved, that the proclamation was a false, scurrilous, malicious and seditious libel, tending to dispirit the good people of the province, and to stir up tumults and insurrections, dangerous to the peace of the king's government and the safety of the inhabitants, and highly injurious to the characters of several gentlemen of virtue and loyalty; and it was directed to be burnt by the common hangman.

For the support of the American association and the safety of the colony, the congress thought it absolutely necessary to raise a body of forces, consisting of one thousand men, upon the faith of the resolution of the continental congress; to be divided into two regiments of five hundred men each; four hundred were stationed in the district of Wilmington, and two hundred in each of the districts of Newbern, Edenton and Salisbury. The command of the first regiment was given to James Moore, of the county of New-Hanover, and that of the second to Robert Howe, of the county of Brunswick.

The plan of a general confederation, between the united colonies, having been taken into consideration, the congress were of opinion, that it was not then eligible, and the delegates of the province to the continental congress, were instructed not to consent to any plan of confederation, which might be offered to the next congress, until it could be laid before, and approved by, a

provincial congress; it being imagined that the association ought to be further relied on for bringing about a reconciliation with the parent state; and a further confederation ought only to be adopted in case of the last necessity.

The sum of one hundred and fifty thousand dollars was directed to be emitted in bills of credit for the defence of the province; and for the redemption of it, a poll tax was laid for nine years, to commence in the year 1777.

A battalion, to consist of ten companies of fifty men, rank and file, was directed to be raised in every district. The troops, thus to be raised, were called minute men, their uniform was a hunting shirt, leggings or spatterdashes and black gaiters; they were to be embodied in battalions, at or near the town of the district, and continue in training for fourteen days successively; after this, the companies were to return to their respective counties, and be mustered, at least, once in a fortnight. They were to be paid when training, mustering and called to the field. Edward Vail of the county of Chowan, was appointed to the command of the battalion of Edenton district, Richard Caswell of the county of Dobbs, to that of the district of Newbern, Alexander Lillington of the county of New-Hanover, to that of the district of Wilmington, Thomas Wade of the county of Anson, to that of the district of Salisbury, James Thackston, of the county of Cumberland, to that of the district of Hillsborough, and Nicholas Long of the county of Halifax, to that of the district of Halifax.

The congress unanimously agreed on an address to the inhabitants of the British empire.

This paper, which is said to be the composition of William Hooper, began by stating, that the fate of the contest, subsisting between the American colonies and the British ministers, at the helm of public affairs, was one of the most important epochs, which would mark the British history. Foreign nations, with anxious expectations, waited its result, and saw with amazement the blind infatuated policy which the administration pursued to subjugate the colonies, and reduce them from the situation of loyal and useful subject to absolute dependence and abject slavery; as if the descendants of those men, who had shed such rivers of blood and spent millions of treasure, in fixing upon a lasting foundation, the liberties of the British constitution, saw, with envy, the once happy state of this western region, and there to exterminate the patterns of those virtues which shone with a light that bid fair to rival their own.

It was next observed, that to enjoy the fruits of their own honest industry; to call that their own which was earned with the labor of their own hands and the sweat of their brows, to regulate the internal polity, by which they alone were to be affected; were the mighty boons which the people of America asked; and the appellation of traitors, rebels and every other harsh names which malice could suggest and the virulence of language express, were the returns they received to the most humble petitions and frequent supplications; they were told that independence was their object and had the thought to shake off all connexion with the parent state; a cruel suggestion, contradicted by all their professions, all their actions.

The congress declared and invoked the almighty being, the searcher of the recesses of the human heart, that it

was their most earnest wish and prayer to be restored, with the other colonies, to the state in which they were placed before the year 1763, disposed to glance over any regulation, which Great Britain had made previous to that period, and which seemed to be injurious and oppressive to the colonies, hoping, that at some future day, she would benignly interpose and remove every cause of complaint.

They observed, that whenever they had departed from the forms of the constitution, their safety and self-preservation had declared the expedient, and if, in any instance, they had assumed powers which the laws had vested in the sovereign, or his representatives, it had only been in defence of their persons, properties and those rights which God and the constitution had made unalienably theirs; as soon as the cause of their apprehensions and fears were removed, they would return, with joy, those powers to their proper channels, and the institutions, formed from the urgency of the times, should cease with the necessity that had created them.

“Those expressions,” continues the addres, “flow from an affection, bordering upon devotion, to the house of Hanover, as established by law, from subjects who view it as a monument that does honor to human nature, capable of teaching kings how glorious it is to reign over a free people. These are the heartfelt effusions of men, ever ready to spend their blood and treasure, when constitutionally called upon, in support of the succession of his majesty king George III., his crown and dignity, and who fervently wish to transmit his reign to future ages, as the era of common happiness to his people. Could

these, our sentiments, reach the throne, surely our sovereign would forbid the horrors of war and desolation to intrude into this once happy and peaceful land, and would stop that deluge of human blood which now threatens to overflow this colony: blood too precious to be shed, but in a common cause, against the enemies of Great Britain and her sons."

The congress averred, that these declarations were held forth as testimony of loyalty to their sovereign and affection to the parent state, and as a sincere earnest of their present and future intentions, and, they flattered themselves, thereby to remove those impressions, which had been made by weak and wicked men, to the prejudice of the colony, with the intention of bringing the rectitude of the designs of its inhabitants into distrust and spread sedition, anarchy and confusion through a loyal province.

Having thus discharged their duty to the world, themselves and posterity, they hoped that Almighty God might give success to the means they were about to make use of, so far as they might be aimed to produce just, lawful and good purposes, and the salvation, peace and happiness of the whole British empire.

It being necessary to organize some kind of provisional government, a provincial council was established, composed of two persons, duly chosen by the delegates of each district, and one by the whole congress.

Accordingly, Samuel Johnson was chosen by the congress, and Cornelius Harnett and Samuel Ashe

by the delegates of the district of Wilmington; Abner Nash and James Coor by those of the district of Newbern; Thomas Jones and Whitmill Hill by those of the district of Edenton; William Jones and Thomas Jones by those of the district of Halifax; Thomas Person and John Kinchen by those of the district of Hillsborough, and Samuel Spencer and Waightstill Avery by those of the district of Salisbury.

A committee of safety, composed of a president and twelve members, was also chosen by the delegates for each district.

A committee of twenty-one members in every county, and one of fifteen in each of the towns of Edenton, Newbern and Wilmington, and seven in each of the other county towns, were directed to be chosen by the freeholders.

The meetings of the provincial council were to be quarterly. The court house of the county of Johnston was the place, at which they were first to assemble to transact business, and they were allowed the privilege of fixing other times and places of meeting.

The committees of safety were directed to hold their meetings quarterly, in the principal town of the district.

The county and town committees were to meet monthly, at the court house.

The latter were permitted to sit jointly, or be consolidated with the committee of the county.

The provincial council were empowered to call out the militia, in cases of alarm, to reject officers,

appointed by the people, when they should disapprove; to suspend officers in the army and militia; to fill vacancies; to draw on the treasury for all such sums of money as should be necessary for the service, and, generally, to do all things they might deem necessary, to strengthen, secure and defend the colony, with the exception of suspending or altering any act or resolution of the continental congress.

The provincial council and the committees of safety, in subordination to it, had the direction of the army, and all military arrangements and establishments.

The provincial council and the committees of safety, in their respective districts, were authorized to compel debtors, suspected of an intention to remove, to give security to their creditors.

The county committees had the same power, in cases of demands under twenty pounds.

The committees of safety were authorized to receive information, censure and punish delinquents, either in the first instance, or as a superintending power over the town and county committees.

The town and county committees were directed to elect, by ballot, out of their own members, seven persons, to act as a committee of secrecy, intelligence and observation, who were to correspond with the provincial council, the committees of safety and the other committees in the province and the neighboring ones, to take up and examine all suspected persons, and, if necessary, to send them to the provincial council, or the committee of safety, of their respective districts.

Premiums were voted for the manufacture of salt-petre, gunpowder, cotton and woollen cards, pins, needles, linnen and woollen cloth, and for the erection of rolling and slitting mills, furnaces for the manufacture of steel and iron, paper mills, salt works, and for refining sulphur.

The congress rose on the 19th of September.

Records—Magazines—Gazettes.

CHAPTER XI.

In the western part of the province, the people were still eager in their resistance. In the months of March and April, 1775, the leading men in the county of Mecklenberg held meetings to ascertain the sense of the people, and to confirm them in their opposition to the claim of the parliament to impose taxes and regulate the internal policy of the colonies. At one of those meetings, when it was ascertained, that the people were prepared to meet their wishes, it was agreed, that Thomas Polk, then colonel commandant of the county, should issue an order directed to each captain of militia, requesting him to call a company meeting to elect two delegates from his company, to meet in general committee, at Charlotte, on the 19th of May; giving to the delegates ample power to adopt such measures, as to them, should seem best calculated to promote the common cause of defending the rights of the colony, and aiding their brethen in Massachusetts. Colonel Polk issued the order, and delegates were elected. They met in Charlotte, on the day appointed. The forms of their proceedings and the measures to be proposed had been previously agreed upon, by the men at whose instance the committee were assembled. The Reverend Hezekiah Jones Balch,

Dr. Ephraim Brevard, and William Kennon, esq. an attorney at law, addressed the committee, and descanted on the causes which had led to the existing contest with the mother country, and the consequences which were to be apprehended, unless the people should make a firm and energetic resistance to the right which parliament asserted, of taxing the colonies and regulating their internal policy.

On the day on which the committee met, the first intelligence of the action at Lexington, in Massachusetts, on the 19th of April, was received in Charlotte. This intelligence produced the most decisive effect. A large concourse of people had assembled to witness the proceedings of the committee. The speakers addressed their discourses, as well to them, as to the committee, and those who were not convinced by their reasoning, were influenced by their feelings, and all cried out, "let us be independent! let us declare our independence and defend it with our lives and fortunes!" A committee was appointed to draw up resolutions. This committee was composed of the men who planned the whole proceedings, and who had, already, prepared the resolutions which it was intended should be submitted to the general committee. Doctor Ephraim Brevard had drawn up the resolutions sometime before, and now reported them, with amendments, as follows:

"Resolved, That whosoever directly or indirectly abets, or in any way, form or manner, countenances the invasion of our rights as attempted by the parliament of Great Britain, is an enemy to his country, to America and the rights of man.

"Resolved, That we, the citizens of Mecklenburg county, do hereby dissolve the political bonds which

have connected us with the mother country; and absolve ourselves from all allegiance to the British crown, abjuring all political connexion with a nation, that has wantonly trampled on our rights and liberties, and inhumanly shed the innocent blood of Americans at Lexington.

“Resolved, That we do hereby declare ourselves a free and independent people, that we are and of right ought to be a sovereign and self-governing people, under the power of God and the general congress; to the maintenance of which independence we solemnly pledge to each other, our mutual co-operation, our lives, our fortunes and our most sacred honor.

“Resolved, That we do hereby ordain and adopt as rules of conduct, all and each of our former laws, and the crown of Great Britain cannot be considered hereafter as holding any rights, privileges or immunities amongst us.

“Resolved, That all officers both civil and military, in this county, be entitled to exercise the same powers and authorities as heretofore; that every member of this delegation shall henceforth be a civil officer, and exercise the powers of a justice of the peace, issue process, hear and determine controversies according to law, preserve peace, union and harmony in the county, and use every exertion to spread the love of liberty and of country, until a more general and better organized system of government be established.

“Resolved, That a copy of these resolutions be transmitted, by express, to the president of the continental congress, assembled in Philadelphia, to be laid before that body.”

These resolutions were unanimously adopted and subscribed by the delegates. James Jack, then of Charlotte, but now residing in the state of Georgia, was engaged to be the bearer of the resolutions to the president of congress, and directed to deliver copies of them to the delegates in congress from North Carolina. The president returned a polite answer to the address which accompanied the resolutions, in which he highly approved of the measures adopted by the delegates of Mecklenburg; but deemed the subject of the resolutions premature to be laid before congress. Messrs. Caswell, Hooper and Hewes, forwarded a joint letter, in which they complimented the people of Mecklenburg for their zeal in the common cause, and recommended to them, the strict observance of good order; that the time would soon come, when the whole continent would follow their example.

On the day that the resolutions were adopted by the delegates in Charlotte, they were read aloud to the people, who had assembled in the town, and proclaimed amidst the shouts and huzzas, as expressing the feelings and determination of all present. When captain Jack reached Salisbury, on his way to Philadelphia, the general court was sitting, and Mr. Kennon, an attorney at law, who had assisted in the proceedings of the delegates at Charlotte, was then in Salisbury. At the request of the judges, Mr. Kennon read the resolutions aloud in open court, to a large concourse of people; they were listened to with attention and approved by all present.

The delegates at Charlotte being empowered to adopt such measures, as in their opinion would best promote the common cause, established a variety of regulations for managing the concerns of the country. Courts of

justice were held under the direction of the delegates. For some months these courts were held at Charlotte; but for the convenience of the people, (for at that time Cabarrus formed part of Mecklenberg,) two other places were selected, and the courts were held at each in rotation. The delegates appointed a committee of their body, who were called "a committee of safety," and they were empowered to examine all persons brought before them charged with being inimical to the common cause, and to send the military into the neighboring counties to arrest suspected persons. In the exercise of this power, the committee sent into Lincoln and Rowan counties, and had a number of persons arrested and brought before them. Those who manifested penitence for their toryism, and took an oath to support the cause of liberty and of the country, were discharged. Others were sent under guard into South Carolina for safe keeping. The meeting of the delegates at Charlotte and the proceedings which grew out of that meeting, produced the zeal and unanimity for which the people of Mecklenberg were distinguished during the whole of the revolutionary war. They became united as a band of brothers, whose confidence in each other, and the cause which they had sworn to support, was never shaken in the worst of times.

The continental congress met on the 13th of September.

The province of Georgia sent delegates to that body.

They recommended to the provinces of New-York, North Carolina and Georgia, and the three lower counties in Delaware, which had been excepted, from the effect of the act of the British parliament,

for restraining the trade of the provinces, to forbear availing themselves of the benefit allowed them by that act, and that no person should apply to the custom houses of the said colonies, for such clearances and documents, as could not be obtained in the other colonies.

The province of North Carolina was directed to supply the island of Bermuda with sixteen thousand bushels of corn and four hundred and sixty-eight bushels of peas and beans.

Three millions of dollars were emitted in bills of credit.

The provinces of Maryland, Virginia and North Carolina were permitted to export produce, to any part of the world, except Great Britain, Ireland and the rest of her dominions, and to import salt in return.

The two battalions which had been ordered to be raised in the province of North Carolina, were increased to the continental establishment, and kept in the pay of the united colonies, for the purpose of defending that province and assisting the adjacent ones.

Application was made to the committees of safety of the province of South Carolina, for so much powder as could be spared, for the immediate use of the province of North Carolina; and the delegates of that province were directed to purchase drums, fifes and colours, for its use.

The congress recommended to the committees of safety of that province, to employ, immediately, all the gunsmiths that could be procured, in making muskets and bayonets.

Two ministers of the gospel were engaged, by the congress, to proceed, immediately, to those counties of North Carolina, settled by the regulators and highlanders, for the purpose of informing them of the nature of the dispute between Great Britain and the colonies: and, it was recommended to the committee of safety in case the method of defending the province, by minute men, proved inadequate, to substitute some other means more effectual.

The provincial council met, for the first time, on the 18th of October, and made choice of Cornelius Harnett for their president.

Some disturbances happening, in the county of New Hanover, in which, a number of the inhabitants met, and protested against the proceeding of the late provincial congress, at Hillsborough; the council requested their president, John Ashe and Samuel Ashe, two of their members, to proceed to that county, in order to conciliate the minds of the people: the council, for this purpose, adjourned for a few weeks.

They recommended to the committee of safety of the district of Wilmington, to use their utmost endeavors to cut off all manner of personal communication between the governor and the officers of the ships of war, in the river of Cape Fear, and the people of the province.

The committees of safety of the districts of Wilmington, Newbern and Edenton, were directed, to procure, immediately, an armed vessel each.

The deputies of the council succeeded in reconciling the party who had risen against the measures of the provincial congress, but, in the mean while, serious

discontents had broken out in the county of Cumberland; the county had lately received a considerable accession of population, by the migration of a number of families from the highlands of Scotland, the heads of many of which had suffered in their former country, by their adherence to the cause of the pretender, and the dread of meeting the further consequences of an opposition to the reigning sovereign, having brought them to North Carolina, a desire of enjoying that peace and quietness, of which they were in quest, rendered them averse to join any opposition to government. In the west and north of their settlements, were those of the people, who had lately been engaged in the troubles of the regulation war, and who, discouraged by their ill success, viewed the proceedings of the congresses, in the light in which those of their own meetings had appeared; the rest of the inhabitants of these counties were divided in their mode of thinking. The union of the highlanders, the regulators, and that portion of their neighbors who were desirous of remaining under the kingly government, or had no confidence in the success of its opponents, appeared, to governor Martin, an object easy to be accomplished, and of vast importance to the royal cause. The possession of this part of the province, the very heart of it, would enable him to keep the rest in awe, if not in subjection; and the arrival of Sir Henry Clinton, who was hourly expected at Wilmington, from New York, with a body of troops, promised to secure the command of the only part of the coast of the province, which was accessible to ships of war; accounts had also reached the province, that Sir Peter Parker and lord Cornwallis would sail from England in the beginning of the new year, with a considerable body

of troops, and there was reason to believe, their first visit would be to the southern provinces.

With this object in view, the governor sent emissaries into the upper counties, and issued a commission of brigadier general to Donald McDonald, an influential character among the Scotch emigrants; with this testimonial of his rank, the new general received a proclamation, commanding all the king's loyal subjects to join his standard; the date of this instrument was left in blank, in order to enable him to publish it, at a favorable moment.

While the governor was thus preparing matters, for a sudden and vigorous attack on the southern, lord Dunmore of Virginia, was making arrangements to strike a blow on the northern counties of the province; to one hundred and twenty regular troops he had joined a number of tories and negroes, in whose hands he had placed some arms; with this force, he marched to the Great Bridge, in the county of Nansemond, Va. where he entrenched himself, waiting the success of some of his emissaries, who had gone into the counties of the district of Edenton, with a view to induce the slaves of the planters to endeavor to obtain their freedom, by flocking to the royal standard in his camp.

A party, under lieutenant colonel Scott, marched against him; on the day of their arrival at the Great Bridge, they had a rencontre with the enemy, and killed five white men and sixteen negroes; on the next day, lieutenant Tibbs, who had the command of the boat guard, about six miles from that place, was attacked by a party of the king's troops and a number of negroes; several of his men broke ground, but he maintained his stand with the rest, until lieutenant colonel Scott des-

patched captain Nicholas, with fifty men, to reinforce him; these had to pass through a heavy fire, and, when they joined the lieutenant, they found he had beaten off the enemy and killed seven of their men, among whom was the officer, who headed the party.

The troops from North Carolina joined them early; on the evening of the third of December, they saw a pile of large buildings on fire, at the far end of the village, between which and the fort, the enemy had placed some sentries.

On the fourth, they sent a party of one hundred men, under the command of colonel Stephens of the battalion of minute men, over the river; he fell in with a guard of about thirty men, chiefly negroes; they got close to the sentry, before they were discovered; he challenged, and receiving no answer, fired; the Americans, being too eager, began the attack immediately, without waiting for orders, and kept up a very hot fire for nearly fifteen minutes; they killed one, burned another in the house and made four prisoners, all blacks; the rest fled: some fine muskets fell into their hands.

General McDonald published the governor's proclamation, early in the month of February, and erected the king's standard at Cross creek; about fifteen hundred men collected around it. On the first intimation of it, colonel Moore, at the head of the first continental regiment, lately raised in the province, and such a part of the militia of the district of Wilmington, as he could collect, took the field, with a few pieces of cannon; he halted near the bridge, on Rocky river, in the county of Cumberland, about the distance of twelve miles from Cross creek, fortified a camp and patiently sat down, waiting the motion of the enemy; his post was a very

advantageous one, as it enabled him to prevent the junction of the forces, raised by general McDonald, with those which were expected at Wilmington, from the northern provinces and Great Britain, or which the governor might be able to collect, in the counties of Onslow and Carteret and along the shores of Cape Fear river, to which places he had sent emissaries for that purpose.

In the mean while, colonel Caswell and colonel Lillington, who commanded the minute men of the districts of Newbern and Wilmington, joined by some parties of militia and a few volunteer corps, came and encamped on the bank of Moore's creek, near its junction with South river, in the county of New Hanover.

Soon after, general McDonald marched, at first towards colonel Moore, and halted, at some distance from his camp; he sent in an officer, charged with a letter to the colonel, bewailing the difficulty of his situation, and pressed, by his duty to his sovereign, to the fatal necessity of shedding blood, while, led by the principles of humanity, he wished the event might be prevented, by the submission of the colonel and his party, to the constitution and laws of their country; he inclosed a copy of the governor's proclamation and of his own manifesto, expressing his hope, that the colonel would coolly, impartially and deliberately weigh their contents, and pay them that regard they justly merited, from every friend to the human species; he proffered to to him, his officers and men, in the king's name, a free pardon and indemnity for all past transgressions, on their laying down their arms and taking the oath of allegiance, and concluded, that, unless these terms were accepted, he must consider them as traitors to the constitution, and take the necessary steps to conquer and subdue them.

Desirous of gaining time, colonel Moore amused the general, till he could no longer temporise; he then replied, that his followers and he were engaged in a noble cause, the most glorious and honorable in the world, the defence of the rights of mankind; they needed no pardon. In return for the governor's proclamation, he enclosed a copy of the test required by the late provincial congress, to be subscribed by every officer in the province, invited him to subscribe and offer it for the signature of his officers, and on their doing so and laying down their arms, he promised to receive them as brothers; but concluded, that in case of their refusal, the general and his men could only expect that treatment with which he had been pleased to threaten him and his followers.

Accounts reached the general's camp, at the time he received colonel Moore's final answer, of the motions of colonel Caswell and colonel Lillington, and of the arrival of Sir Henry Clinton in Cape Fear river, with a reinforcement, as well as of lord William Campbell, governor of South Carolina. General McDonald now thought it dangerous to risk an action with colonel Moore, and dreading to find himself surrounded, thought of nothing but making his way to Wilmington, with a view to join the troops lately arrived; he, therefore, decamped without noise, and attempted, by rapid marches, to elude the pursuit of colonel Moore; he crossed South river, and proceeding down towards the town of Wilmington, fell in with colonel Caswell and colonel Lillington, who, with about one thousand men, were encamped on the south-east side of the creek, where they had thrown up some works for the defence of their camp; colonel Caswell had caused the planks of the bridge to be taken up;

the force of the province was much inferior to that under the general, but the latter had the disadvantage to have the creek to cross; and in the situation in which the bridge was, if an attack was made, a retreat would have been a precarious resource; it was, however, determined to risk an encounter, and the general being disabled, by indisposition, to lead on the men, colonel McLeod, the next officer in rank, placed himself at their head. They began the attack with much vigour, and were received by the provincial forces with great coolness and bravery; but the fall of colonel McLeod and of several officers, early in the battle, damped the spirits of the men, and colonel Caswell having improved the first moment of apparent discomfiture, to charge with intrepidity and boldness; the royal army was routed, and the men, flying in every direction, were strenuously pursued, and several were made prisoners; general McDonald himself was taken.

The fortunate issue of this first engagement with the forces of government, was a most favorable circumstance to the cause of the province; it increased the confidence of its friends, and filled its opposers with apprehension and alarm, while it determined a great part of those who had hitherto refrained from choosing their side.

The provincial council met, a few days after, in the town of Newbern; the continental congress, having recommended to them and the provincial council of Georgia, to send members of their bodies to Charleston, to confer with a committee of the council of safety of the province of South Carolina, upon weighty matters, relative to the defence and security of the three provinces, Abner Nash of the town of Newbern and John Kin-

chen of the town of Halifax, proceeded on that mission, at the request of the council.

The continental congress ordered an emission of four millions of dollars, in bills of credit.

They appointed major general Lee to the command of the continental forces in the southern department, composed of the provinces of Virginia, North and South Carolina.

Colonels James Moore and Robert Howe were appointed brigadier-generals, the former to command in the province of North Carolina, the latter in that of Virginia.

The provincial congress met, at the town of Halifax, on the fourth of April; they chose Samuel Johnston for their president; Francis Nash of the town of Hillsborough and Alexander Martin of the county of Guilford, were appointed colonels of the two first regiments of the province, in the continental establishment, in the room of generals Moore and Howe.

Four other regiments were also raised, at the requisition of congress, and the command of them was given to Jethro Sumner of the county of Halifax, Thomas Polk of the county of Mecklenberg, Edward Buncombe of the county of Tyrrel and Alexander Lillington of the county of New Hanover.

A brigadier general was appointed in each district, Richard Caswell in the district of Newbern, John Ashe in that of Wilmington, Griffith Rutherford in that of Salisbury, Thomas Person in that of Hillsborough, Allen Jones in that of Halifax, and Edward Vail in that of Edenton.

These military arrangements were taken, in pursuance of a resolution of the continental congress, recom-

mending to the provincial congress to prepare for a vigorous defence and opposition; accounts having been received, that the British ministry and their agents, had meditated and were preparing an attack upon Charleston and several places in Virginia, and probably in North Carolina.

The continental congress having also desired, that members of the councils of safety of the provinces of Virginia and North Carolina, might meet and confer on such operations, as their mutual interest rendered necessary; general Allen Jones and Thomas Brickell of the county of Hertford were desired to proceed to Richmond.

The sea shore requiring particular attention, a company of fifty men was directed to be raised and stationed at Beaufort, in the county of Carteret, and five other independent companies, for the protection of the remainder of the coast.

In addition to this, two regiments of seven hundred and fifty men each, were directed to be raised in the districts of Halifax, Edenton, Newbern and Wilmington; Philemon Hawkins of the county of Bute was appointed colonel of the first, and Thomas Brown of Bladen, of the second.

Bills of credit were directed to be emitted, to the amount of five hundred thousand pounds, and a poll tax, to continue for twenty years, was imposed.

The former delegates to the continental congress were re-elected; they were empowered to concur, in declaring the independence of the united colonies and forming foreign alliances, but they were instructed to reserve to the province the right of forming its own constitution and laws.

The provincial council, before their adjournment, issued forth a solemn declaration, stating that, impelled by a regard to their own safety and the preservation of those rights and privileges, which God and the constitution had made inalienably theirs, and which the power of Great Britain, with unrelenting vengeance, injustice and cruelty, was laboring to subvert, they had been induced to adopt measures, which it was their wish to explain, to those who might be interested in them and their consequences.

To other provinces, at a distance from their places of residence and without that circle within which their personal and family influence might be exerted, to the prejudice of the continent, and the province in particular, they had deemed it absolutely necessary for the public safety, to remove a body of men, whose residence fortune had cast in the very bosom of the province, and who, in common with the people of it, had shared the blessings which a mild and liberal system of provincial laws, a benign climate and an increasing trade, that poured riches into the lap of honest industry, the countenance and protection of their honest neighbors, held out to them with the most liberal hand.

These misguided people, they observed, disregarding the duty, which they owed to their country, under the just and equal laws of which they had enjoyed protection, procured ample means of subsistence for themselves and families, and possessed of considerable property, they were equally bound, by every tie, human and divine, to defend and maintain the cause of liberty, which, in common with the rest of the province, all virtuous men on the continent, at the hazard of every thing dear to them, were laboring to defend. These men,

confederating with the unnatural enemies of America, taking advantage of their residence in the province and the confidence, which that circumstance necessarily created, had raised their hands against their neighbors and endeavored to embrue them in their blood. God, in his providence, had hitherto defeated their wicked machinations, and put into the possession of the friends of liberty the principal men among those, who, from the wickedness of their own hearts and the seduction of others, meant to have consigned a most flourishing province to the most abject slavery and oppression: though subdued, they still retained principles, inimical to the country, and were ready, as soon as they should be favored by their situation or the assistance of troops, expected every day to invade the province, with the probability of success, to attempt to carry their wishes into execution, and, co-operating with a merciless administration, drench the province in blood.

Such, the congress declared, were the motives of their conduct, which a regard to the common safety, and that first principle of nature, self preservation, prompted and justice demanded at their hands. In the anguish of their hearts, they lamented the sad necessity, which the frailties of their fellow beings had allotted to their share, and still hoped for the reformation of those who, in this happy contest, were severed from them and those endearing ties which nature and social connections had formed for them, and who still remained in the province to lament the folly and wickedness of those who had been removed: to those the congress administered this consolation, that they might rest assured, that no wanton act of cruelty or severity should be exercised towards the prisoners; no restraint imposed upon them, but

what should be necessary to prevent them using their liberty to the injury of the friends of America.

The congress declared, they had their own security in contemplation, not to make others miserable; they commiserated the errors of those whom they had in their power; their situation disarmed resentment: they would hail their reformation with increasing pleasure, and receive them with open arms, and their sincere contrition and repentance would atone for their past conduct. Members of the same political body, the congress said, had felt the convulsion which the severance occasioned, and should bless the day which should restore them to friends of liberty, the cause of America, of God and of mankind.

They added, they warred not with the helpless families those men had left behind; but sympathised with their sorrows and wished to pour the balm of pity into the wounds which a separation from husbands, fathers and the dearest relations had made; and considered them as the rightful pensioners upon the charity of those who had aught to spare, from their necessities, for the relief of their fellow creatures: to such persons they recommended them.

They expressed a hope, that the humanity and compassion which had marked the course they were engaged in, would influence the minds of the prisoners to such a conduct as might call forth the utmost tenderness, as much depended on the future demeanor of the families of the insurgents as on the treatment they would experience. They might consider themselves as hostages for their own good behavior, and, by their own good conduct, do kind offices to their friends, a tribute of du-

ty as well as humanity, from those in whose power they were.

General McDonald was released on his parole.

The congress adjourned on the 14th of May.

The armament which had left the port of Portsmouth in the latter part of December, under the order of admiral Sir Peter Parker, had proceeded to Ireland, to receive some troops. It was detained so long in Ireland, that it did not reach the mouth of Cape Fear river, till the beginning of May. The success of general Caswell, at Moore creek bridge, had so much depressed the friends of the royal cause, that it was, for a long time, deemed of no avail to make any attempt against the province. The troops remained on board of the vessels, in the river, in the vicinity of fort Johnson. On the 12th, however, between the hours of two and three, about nine hundred men were landed, at general Howe's plantation, in the county of Brunswick, under the command of Generals Clinton and Cornwallis. The sentry, posted on the bank of the river, immediately gave the alarm to the guard, who had only time to collect their horses and throw down the fences, to let a few cattle out, which they drove off, before the enemy surrounded the house. On their march up the causeway, from the river, part of the guard kept up a brisk fire on them, which the enemy steadily returned. A few women, who were left in the house, were treated with great barbarity; one of them was shot through the hips, another was stabbed with a bayonet, and a third knocked down with the butt of a musket. In the small skirmish, while the British were on the causeway, they had one man killed, several wounded and a serjeant of the 33d regiment

made prisoner. From general Howe's they marched to Ostin's mill, with a design to surprise major Davis, who commanded a detachment at that place. In this they failed: the major having received intelligence of their landing, by the guard, on their retreat from general Howe's, moved off with his baggage and two swivels in very good order, unperceived by the enemy. They burnt the mills and retreated to the vessels. This invasion produced no other advantage than three horses and two cows.

On the 29th of May, the armament left the river; it consisted of upwards of thirty vessels, without having made any serious attempts against the province: their design, it was believed, being frustrated by the discomfiture of the forces raised by general McDonald. By the unwillingness of the former regulators to join the royal standard, the separation of some of their ships and the loss of eight of their provision vessels, while in the river, they were so distressed for provisions that they killed several horses, on Baldhead, the flesh of which was served to the men. They, however, found some barrels of pork in the county of Onslow, by the assistance of one Gibbs, of New river, and another man called Cruder, with whom governor Martin had kept up a correspondence. This was, however, all that the governor could effect, and he found himself deceived in the hope which he had expressed, of being able to command such a force as would be sufficient, with the assistance of a few ships and troops, to keep the inhabitants of the province in awe and submission.

This second miscarriage damped the spirits of the friends of the royal cause and confirmed the hope which their opponents had entertained, that they would, by their unceasing steadiness, compel the partizans of the crown to abandon the province, or join in the protection of the glorious cause of liberty.

The fleet made its appearance before the city of Charleston, in the early part of June: it, however, abandoned that station before the end of the month. Their inability to strike a blow animated the hopes and depressed the fears of those who imagined, that the American provinces would not prove able to cope with the forces of the mother country.

While it was expected that the sight of the fleet would strike terror into the minds of the inhabitants of the maritime counties, and every possible means was exerted to create dissention and strife in the heart of the provinces; an attack was meditated on the western frontiers. Governor Tonyn of East Florida had requested to be furnished with a small force, at the head of which, reinforced by the adherents to the British cause in his province, he proposed to march into the Indian nations, on the borders of Georgia and Carolina. He had no doubt of his ability to engage the red people to spread slaughter, devastation and ruin on the margins of the provinces, while with his force he promised to march into the thicker settlements. The accidental capture of the bearer of his dispatches prevented the success of his scheme. It was not, however, entirely defeated. On the very day the British fleet began to fire on the coast of South Carolina, the Cherokees commenced their in-

vasions on the unprotected and unsuspecting back settlers.

Early in the month of July, Griffith Rutherford, brigadier general of the militia of the district of Salisbury, passed the mountains, at the head of nineteen hundred men, while colonel Williamson led a party of the militia of South Carolina against the Cherokees. As general Rutherford crossed the wilderness, parties of Indians, lying in ambush, harrassed him by a galling fire. He however after a short time succeeding in silencing them, ranged the settlement of the enemy undisturbed, laid waste the plantations and destroyed their provisions. This timely chastisement produced the most fortunate effect; most of the Indians surrendered themselves and sued for peace. The more obstinate fled to the provinces of the Floridas, in search of that protection, which was due to them, from their instigators.

During these days of alarm and distress in the southern provinces, an important event took place in Philadelphia. On the seventh of June, the congress received the proposition that the United States were and ought of right to be free and independent, that they were absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain was and ought to be totally dissolved. It was agreed upon, on the second of July, and on the fourth a formal declaration of independence was subscribed by the delegates of all the colonies present.

On the first day of August, the council of safety, sitting in the town of Halifax, caused this joyful event to be proclaimed before them, in the presence of the militia of the county drawn up under arms for that purpose, amidst the acclamations and shouts of a larger as-

semblage of people, than had ever been witnessed in that part of the province.

Thus ended the royal government in the province of North Carolina, forty eight years after the purchase of the interest of the lord's proprietors; one hundred and thirteen years after the first charter of Charles the second; and one hundred and ninety-two years after the arrival of the first British adventurers at Ocracock.

Governor Martin's administration was a turbulent one. He lacked not the inclination, neither was he absolutely deficient in the talents, requisite to have rendered it otherwise. During the greater part of it, he seems to have found himself too strictly fettered by his instructions, to have been able to do much for the service of the province. In the latter years, he appears to have misconceived the means that might have averted or quelled the storm. He had formed and communicated to the ministers a wrong idea of his own influence and that of the persons who favored the commotions which ended in the prostration of his authority, and he surely had gained no very intimate knowledge of the temper of the people over whom he presided. His project of arming the slaves would have sullied a reputation acquired by a series of years of useful services.

James Hassell, L. H. De Rosset, John Sampson, Alexander M'Cullough, William Dry, Samuel Cornell, Martin Howard, Marmaduke Jones, Sir Nathaniel Duckinfield and Samuel Strudwick sat in council during governor Martin's residence in the province.

Richard Caswell, of the county of Dobbs, and John Harvey, of the county of Perquimans, filled the chair of the lower house, and Martin Howard, the chief judicial seat, during that period.

John A. T. ...

The population of the province, at the end of the royal government, is imagined to have consisted of little more than one hundred and fifty thousand souls; one fifth of whom were slaves.

The towns of Edenton, Newbern and Wilmington were the only ones to which the appellation could be given, and the most populous of them, Newbern, did not count more than six hundred inhabitants.

Religion was at a low ebb; notwithstanding the provision made by law for one clergyman of the established church in every parish, there were not more than six ministers, settled in the province. The presbyterians had nearly an equal number. The quakers had religious establishments in the counties of Perquimans, Pasquotank, Orange, Guilford, Johnston and Carteret. The Moravians or united brethren had six settlements, Salem, Bethabara, Bethania, Friedberg, Frieland and Hope, and the number of persons under the care of this church, in all these, was about five hundred.

There was no regular establishment of any other denomination of christians; though the counties were visited by itinerant baptist and methodist preachers.

Litterature was hardly known. There were in the whole province but two schools, the trustees of which had of late been incorporated; those of the towns of Newbern and Edenton. In the first, a wooden building had been erected by the trustees, in which the meetings of the lower house of the legislature were occasionally held.

One of the principal staple commodities of the province was tobacco. It was principally cultivated in the uper counties, bordering on Virginia, and in the western ones, Indian corn, wheat, peas, beans and potatoes, were

raised throughout the colony; indigo and rice were planted in the lower counties of the district of Wilmington. The swamps on the borders of Cape Fear river, were deemed very rich and extremely well calculated for the culture of rice; but the greater part remained undrained for want of people. Cotton was raised on most of the farms, though, perhaps, not on any for exportation, the staple appeared excellent. Ship building was an object of attention, in several parts of the province, large quantities of naval stores and lumber of all kinds were exported yearly. Vast herds of cattle and hogs were raised. Many settlers, in those parts of the country, which lay at a distance from navigable streams, depended on the hides of their cattle and barrelled meat, with some corn and potatoes, for the people of their plantations. Those settlements were not, however, very numerous; most of the farms being on the borders of some river or creek, affording the means of inland navigation. The province, however, was greatly deficient in ports, at the mouths of her rivers, which might admit large ships.

The ordinary mode of husbandry was to clear a piece of wood land, a work of but little trouble, the growth of trees being generally thin. This being effected, and the clearing fenced, Indian corn was yearly sown, till the ground ceased to yield a crop sufficient to repay the labor of the sower. In the lower counties, a new piece of ground was now cleared; in the back counties, where the soil was stronger and the climate more temperate, the land was sown with peas or beans one year, and afterwards, for two or three years, with wheat.

In this system of crops, the land was changed as fast as it wore out, fresh pieces cleared, exhausted in succes-

sion, and left to the spontaneous growth; it was not here, as in England and the northern colonies, where weeds come first and then grass; the climate was so hot, that, except on rich moist lands, any sort of grass was scarce; but the fallow, in a few years, became a forest, no climate being more congenial to the quick growth of trees; if the planter did not return, to cultivate the land, which, from the great abundance of waste ground, was often the case, the old plantation ceased soon to be distinguishable from the rest of the woods.

Fruit was in as great abundance, and naturally of as fine a flavour, as in any of the other provinces; peaches were so plentiful, that vast quantities of them were given to the hogs.

The total exports of the province were valued at one hundred thousand pounds sterling.

Records.—Magazines.—Gazettes.



CONTENTS OF VOLUME II.

CHAPTER I.—FROM 1729 TO 1734.

The province of Carolina divided; George Burrington appointed governor of North Carolina; his arrival at Edenton; Sir Richard Everard's surrender of the government; sketches of the new governor's instructions; Sir Alexander Cumming sent to conclude a treaty with the neighboring Indians; Dr. Brickell sent by the governor to explore the country towards the mountains; Sir Alexander meets the Cherokee chiefs, who acknowledge their dependence on the king of Great Britain, agree to a treaty, and send six of their chiefs to England; first meeting of the legislature under the authority of the crown; the governor's requisitions disregarded; courts of justice established; arrival of the Cherokee chiefs in England, their reception, treaty concluded with them, their return to Charleston; chief justice Smith, disagreeing with the governor, sails for England; rice allowed to be exported from the Carolinas to the southern parts of Europe; the governor visits the settlements on Cape Fear river; meets the legislature for the second time; they refuse again to comply with his demands; he dissolves the assembly; the British American provinces allowed to export non enumerated commodities to Ireland; the manufacture of cordage discouraged; Onslow precinct established; the province of Georgia settled; the manufacture of hats restrained; lands in the American provinces made liable to sale on executions; Edgecombe and Bladen precincts esta-

blished; the chief justice returns, and the governor departs; president Rice.

CHAPTER II.—FROM 1734 TO 1744.

Governor Johnston arrives; meets the legislature; paper money emitted; court of exchequer established; the southern provinces alarmed at the approaching rupture between the mother country and France and Spain; governor Oglethorpe fortifies the province of Georgia; a Spanish commissioner comes, and demands the surrender of that colony; governor Johnston meets the legislature; his speech at the opening of the session; he prorogues the legislature; the navigation of British vessels in the American seas obstructed by Spanish *guarda costas*; statute for the encouragement of British sail cloth manufactures; the legislature meets at Newbern; circuit courts established at Newbern and Newton; office of provost marshal abolished; sheriffs substituted; precincts denominated counties; differences with Spain terminated by treaty; new rupture; letters of marque against the subjects of Spain; the village of Neusen established as a town, under the name of Wilmington, and admitted to representation in the assembly; declaration of war against Spain; admiral Vernon sent to the West Indies; governor Oglethorpe directed to annoy the Spaniards in Florida; forces raised for the purpose in the Carolinas and Virginia; unsuccessful attack of St. Augustine; meeting of the legislature at Edenton; aid granted in specific commodities; great scarcity of currency; commdoities made a tender in payment of taxes; the privileges of British subjects extended by parliament to certain aliens settling in the American provinces; bounty on naval stores continued; 400 men sent to reinforce admiral Vernon's troops in the West Indiers; meeting of the legislature at Edenton; town of Johnston established in Ouston; the province divided into fourteen parishes:

meeting of the legislature at Wilmington; the county of North Hampton established; the parliament forbids the establishment of banking institutions in the American provinces; the Spaniards make a descent on Georgia; governor Oglethorpe's successful defence; the enemy abandons the colony; the legislature meets at Edenton; provisions made for erecting a magazine in each county; election of members of assembly regulated; parliament continues the bounty on the exportation of naval stores; lord Granville's part of the Carolinas assigned to him in severalty; American courts of vice admiralty, authorized to take cognizance of prize cases.

CHAPTER III.—FROM 1744 TO 1752.

France declares war against Great Britain; the French of cape Breton take fort Canseau; unsuccessful attempt against Annapolis; meeting of the legislature at Newbern; fort Johnston, on Cape Fear river, built; the town of Brunswick established; capture of cape Breton; the pretender's unsuccessful attempt; meeting of the legislature at Newbern and Wilmington; the counties of Johnston and Granville established; militia regulated; right of representation rendered equal among the counties; superior court removed to Newbern, with the court of chancery; courts of oyer and terminer and nisi prius held at Edenton, Wilmington, and the county of Edgecombe; adherents to the pretender remove to the American provinces; several of them settle on Cape Fear river; provision made for a revision of the provincial laws; parliament continues the statutes for the encouragement of the manufacture of British sail cloth, and for allowing the exportation of rice from the Carolinas to the southern part of Europe; tea allowed to be imported into the American provinces, without paying the inland duty; the culture of indigo encouraged by a bounty; meeting of the

legislature at Edenton; fortifications directed at Ocracock, Topsail and Bear inlets; emission of paper money; fiscal regulations; new fee bill; exportation of raw hides forbidden; Tuscarora Indian lands marked off; king's rent roll; James Abercrombie appointed agent of the province in England; peace of Aix la Chapelle; Spanish privateers come into Cape Fear river; two of them blown up; parliament authorizes the people called *Unitas Fratrum*, to settle in the American provinces; first printing press established in North Carolina; Nova Scotia settlements encouraged; meeting of the legislature in Newbern; revisal of the laws approved; certain statutes of the British parliament declared in force; provision for the relief of insolvent debtors; the counties of Duplin and Anson, and the town of Hawns, established; raw silk and bar and pig iron exempted from duty by the British parliament on importation from the British American provinces; slit mills and iron furnaces strictly forbidden to be erected; the people called the *Unitas Fratrum*, purchase a large tract of land between Dan and Yadkin rivers from lord Granville; the legislature meet at Newbern; first inspection laws; pilotage of Cape Fear river regulated; inland duty on wines and spirits from South Carolina; new style; manufacture of pot and pearl ashes in the American provinces encouraged; bounty on naval stores, masts, &c. continued; meeting of the legislature at Bath; improvement in the navigation of the principal rivers; the county of Orange and the town of Wimberly established; the first printed publication of the provincial laws; charter of the province of Georgia surrendered; governor Johnston dies.

CHAPTER IV.—FROM 1752 TO 1754.

President Rice; great storm; president Rowan; meeting of the legislature at Newbern; the county of Rowan and town of

Portsmouth established; fort Granville built; encroachment of the French on the Ohio; lord Holderness's circular; orders of the French king to his governor in Canada; governor Dinwiddie's letter to president Rowan, soliciting an aid of troops; meeting of the legislature at Wilmington; lower house insist on an emission of paper money; plan for a loan office; aid granted and paper money emitted; the county of Cumberland and the towns of Exeter and Gloucester established; forces sent to Virginia under colonel Innis; they return without any thing being effected; Albany plan of union.

CHAPTER V.—FROM 1754 TO 1760.

Governor Dobbs arrives at Newbern, with a number of cannon and firelocks; his speech at the first meeting of the legislature; aid granted to the king; new judicial system; general Braddock arrives in Virginia, with a strong force; his circular letter to the governors; his difficulties in procuring aid; governor Dobbs attends him at Alexandria; plan of the campaign; the general marches towards Monongahela; is attacked, defeated and killed; governor Dobbs visits the western frontier and the sea coast; meets the legislature at Newbern; fort Dobbs, in the county of Rowan, erected; Wachovia erected into a distinct parish; yellow fever; lord Loudon, the new commander in chief, arrives in Virginia; Oswego taken by the French; meeting of the legislature; aid granted; improvement of roads and inspection laws; the upper house, at the governor's recommendation, address the king for troops for the fortifications; post continued; governor Glenn, of South Carolina, erects forts in the western country lately acquired from the Indians; force sent under captain Waddle to fort Loudon; governor Dobbs attends a meeting of the governors of the southern provinces at Philadelphia; plan of the next campaign;

general Lyttleton, of South Carolina, applies for succour; governor Dobbs convenes the legislature; succour granted; indemnification to the provinces of Virginia, North and South Carolina voted by parliament; meeting of the legislature at Newbern; aid granted; Indian affairs; gloomy prospect of the time; William Pitt's circular letter; Sir Jeffrey Amherst arrives at Halifax with troops; general Abercrombie, commander in chief; plan of the next campaign; the legislature meets at Newbern; aid granted; the town of Hertford established; the island of Cape Breton taken; fort Frontegnac; the legislature meets at Edenton; aid granted; the city of Tower Hill established as the seat of government; Halifax district and Nixonton established; fort Duquesne taken; the Indians fall on the back settlements of the southern provinces; riots in Edenton district; meeting of the legislature at Newbern; Niagara and Quebec taken; meeting of the legislature at Wilmington; new court system; altercation between the two houses; attempt to emit paper money; aid to the king; the county of Hertford established; navigation of Neuse and Pamlico rivers; the town of Hillsborough established; the assembly dissolved; governor Lyttleton, of South Carolina, marches against the Indians; new legislative body meet at Newbern; riots at Hillsborough; sheriff prevented from holding the poll; court system; lower house address the governor to pass the bill; his perplexity; he consults the chief justice and attorney general, who advise him to give his assent; he addresses the lower house, and presses them to pass the aid bill first; the lower house form themselves into a committee of secrecy of the whole, and on its report pass a resolution disapproving the governor's conduct, and address the king; address the governor again; he rejects the bill; county courts established; clergy bill; the assembly is prorogued; meets again; superior court bill passed; the upper house amends the aid bill; the lower house complains; it passes

both houses with a clause for an emission of paper money, and is rejected by the governor.

CHAPTER VI.—FROM 1760 TO 1764.

The Cherokees fall on the back parts of South Carolina; force sent under captain Waddle to the relief of that province; the Creeks join in the war; governor Bull applies to governor Dobbs for help; the legislature convened at Wilmington; backwardness of the lower house; aid and militia bill; distressed situation of fort Loudon; the garrison abandon it; success of the British arms in Canada; the legislature meets at Wilmington; difficulty in forming a house; election of members of assembly regulated; the county of Pitt and the town of Tarborough; first lottery encouraged by legislative authority; aid bill rejected by the governor; legislature prorogued for one day; new session; expedient of the lower house in regard to the aid bill; the assembly dissolved; avowed motives of the dissolution; the governor's conduct censured at home; death of George II.; George III. proclaimed; new legislative body; contest about the agent; aid bill; colonel Greene sent to South Carolina; marches against the Cherokees; defeats them; treaty made with them; late court laws disallowed by the king; governor Dobbs censures lord Egremont's circular letter; new legislative body meets in Wilmington; the governor's speech; address of the lower house; legislature prorogued; second meeting; the house refuse an aid; anxiety occasioned by accounts of the repeal of the loan laws; legislature prorogued; third meeting; contest between the two houses; the lower house addresses the king; the assembly dissolved; the governor orders recruits to be raised; representation of the lords commissioners of trade and plantations on lottery and agent bills; new legislative body convened at Newbern; new court system;

contest between the two houses; clergy and road acts; the county of Mecklenberg and the towns of Kingston and Campbellton established; the two houses address the king for the repeal of the Tower Hill act; protest in the upper house; definitive treaty of peace; charter of the towns of Edenton, Newbern, Wilmington and Halifax; governors of the southern provinces meet at Augusta for the settlement of Indian affairs; lord Egremont's circular letter on contraband trade; governor Dobbs goes to Augusta; president Hasell; Indian treaty; the governor returns; meets the assembly at Wilmington; contest between the houses; chart of the coast; culture of hemp encouraged; militia act; the counties of Brunswick and Bute established; first school act; resolution of parliament on taxing the colonies; periodical publications first attempted; North Carolina Magazine; Wilmington Post Boy; lieutenant governor Tryon; legislature meets at Wilmington; letter of the speaker of the house of representatives of Massachusetts on the taxation of the colonies; post office encouraged; account of paper money and treasury notes emitted; contest on the appointment of a king's printer; governor takes his leave of the house, on his intended voyage to Europe; disturbances in Orange county; the governor dies.

CHAPTER VII.—FROM 1765 TO 1768.

Lieutenant governor Tryon takes the administration of government; George Whitfield passes through the Carolinas; riots in Mecklenberg; legislature meets at Wilmington; post office; clergy law; first rumor of the stamp act; legislature prorogued; general consternation through the British provinces; dissolution of the house of burgesses of Virginia; meetings of the people at Edenton, Newbern and Wilmington; disturbances in Orange; house of representatives of Massachusetts propose a

meeting of deputies from all the provinces, at New-York; proceedings of people at Providence, Boston, Charlestown, in Connecticut, Rhode Island, New Jersey, Maryland; congress at New-York; proceedings in Virginia; North Carolina; association in Philadelphia and New-York; lieutenant governor Tryon appointed governor; general Conway's circular letter; Indian affairs; stamps arrive in Cape Fear river; their landing prevented; duel at Wilmington; surviving party presented; his trial and acquittal; chief justice Berry shoots himself; stamp act repealed; first meeting of the people of Orange, at Mad-dock's mill; meeting on Deep river; second meeting at the mill; new legislative body meets at Newbern; contest between the houses on the appointment of a treasurer; address to the throne; Presbyterian ministers permitted to marry; Tuscararo land; palace; Cherokee line; the legislature meets at Newbern; new court system; Hillsborough district established; house address the king for an emission of paper money; association of the regulators; their committee waits on the governor; association in Anson; proceedings of governor and council; governor proceeds to Hillsborough; his proclamation; sends the sheriff to collect the taxes; deputies of the regulators attack him; militia called; oath of allegiance; meeting of the council; regulators come in arms to the superior court; they retire; proclamation of pardon.

CHAPTER VIII.—FROM 1768 TO 1771.

The legislature meets at Newbern; letter of the speaker of the house of representatives of Massachusetts; treasury certificates; inspectors' notes received for taxes; the county of Tryon established; lieutenant governor Mercer; assembly dissolved; first disturbances in Orange; further proclamation of pardon; new legislature meets at Newbern; Indiana flairs; cul-

ture of raw silk; letter of the speaker of the house of burgesses of Virginia; resolution on the taxation of the colonies; address to the throne; assembly dissolved; disturbances in Orange extend to other counties; superior court obstructed at Hillsborough; riots; charter of the town of Hillsborough; fortification of Newbern; the legislature meets there; Hermon Husband, one of the regulators, expelled from the house, imprisoned and bailed; riot act; chief justice's salary; the counties of Wake, Guilford and Chatham established; execution law; post office; secretary's office removed to Newbern; fresh disturbances; council advises the governor to march against the regulators; their meeting in Rowan; court of oyer and terminer at Newton; governor Tryon marches at the head of an armed force; proceeds to Johnston court house; Wake county; Hillsborough; general Waddle compelled by the regulators to retreat; Haw and Alamance; battle; rout of the regulators; army marches to Sando creek; Jersey settlements; Bethabara; Reedy creek; joined by general Waddle; return to Hillsborough; court of oyer and terminer; sentence; execution; army leaves Hillsborough; governor Tryon takes care of them, and proceeds to New-York.

CHAPTER IX.—FROM 1771 TO 1774.

President Hasel; governor Martin; the legislature meets in Newbern; oath of abjuration; South Carolina line; importation of salt from Portugal and Spain; address to the king; act of indemnification; town of Martinborough established; duty on wine and spirits; assembly dissolved; governor's proclamation; new legislature; act of pardon and oblivion; contest on the process of attachment; expenses of running the South Carolina line; pot and pearl ashes; house refuses to sit without a full quorum; assembly dissolved; great distress occasioned by the occlusion of courts; court of oyer and terminer; governors

prohibited from issuing patents; court bill disallowed; governor authorized to assent to an attachment law on certain terms; the legislature meets at Newbern; Virginia resolutions; committee of correspondence; duty on wines and liquors; member from Tarborough refused a seat; court bill, attachment clause; contest between the houses; committee appointed to address the king; legislature prorogued; new meeting; governor rejects the superior court bill; lower house addresses the throne for leave to issue paper money; inferior courts; courts of oyer and terminer; counterfeited bills; malicious killing of a slave declared murder; the county of Martin established; duty on wines and liquors; Indian troubles; militia law; legislature prorogued; dissolved by prorogation; new orders in regard to patents; county meetings; provincial meeting proposed; governor's proclamation to forbid it; the deputies meet; the council's advice to the governor thereon; proceedings of the deputies.

CHAPTER X.—FROM 1774 TO 1776.

Continental congress; governor Martin goes to New-York; president Hasel; committees; governor Martin returns; Henderson's purchase; general meeting of deputies called; meeting of the legislature; of the deputies; governor's speech; address prepared by the lower house; proceedings of the deputies approved by the lower house; assembly dissolved; resolution of the convention of deputies; governor fortifies the palace; sends emissaries towards Cross creek and the back counties; county and town committees; governor's letter to general Gage intercepted; he retreats to Cape Fear; negroes on Tar river rise; inhabitants of Wilmington march to fort Johnston, and set fire to the buildings; the committees at Wilmington and Newbern denounce the governor; his letter to L. H. de Rossett; continental congress meets; George

Washington appointed commander in chief; emission of continental money; resolution of congress in regard to North Carolina; fast ordered; congress rise; the ministers attempt to separate New-York and North Carolina from the colonies; proposal of causing the negroes to rise; provincial congress called at Hillsborough; governor Martin's proclamation; the congress meets; approve the association; subscribe a test; address the people; governor's proclamation directed to be burnt by the hangman; forces raised; plan of a general confederation disapproved; paper money emitted; address to the people of Great Britain; provincial council; committee of safety: town and county committees; premiums; provincial congress rises.

CHAPTER XI.—FROM 1775 TO 1776.

Meetings held in the county of Mecklenberg, to ascertain the sense of the people; orders issued to elect delegates; delegates elected; they meet at Charlotte on the day appointed; news of the action at Lexington, Mass. received; committee appointed to draw up resolutions; resolutions drawn up and submitted; the continental congress meets; Georgia sends delegates to that body; recommendation to New-York, North Carolina, Georgia and Delaware; supply of salt, corn and peas by North Carolina to Bermuda; emission of continental money; North Carolina allowed a restricted exportation of produce; ministers sent to the back parts of North Carolina; meeting of the provincial council; disturbances in New Hanover; armed vessels; Scotch at Cross creek; general McDougal; lord Dunmore, in Virginia; Great bridge; royal standard raised at Cross creek; colonels Moore, Caswell and Lillington; Rocky river; Moore's creek bridge; tories defeated; provincial council meets at Newbern; committee sent to South Carolina;

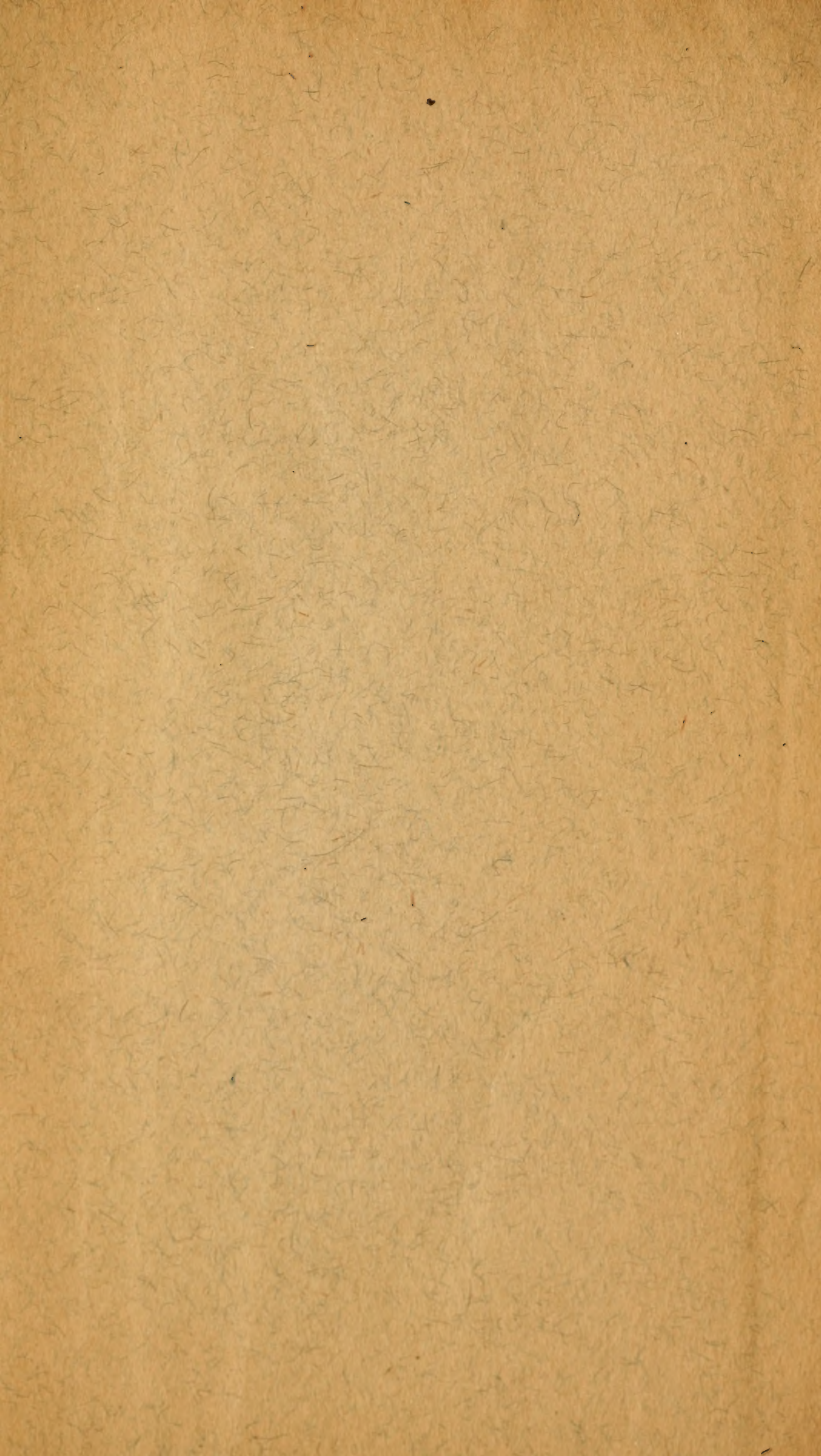
continental emission of paper money; general Lee; provincial congress at Hillsborough; military arrangements; committee to Virginia; protection of the coast; paper money; continental delegates authorized to declare independence and form alliances; declaration published by the congress; general McDonald paroled; congress rise; British fleet arrives in Cape Fear river; lands troops; their ill success; return to the ships; the fleet sails for Charleston; tories on New river; the fleet leaves the coast of South Carolina; governor Tonym's project; general Rutherford marches against, and chastises the Indians; congress declares the independence of the colonies; it is proclaimed at Halifax.

THE END.

ERRATA.

Page 7, line	31, <i>for</i> chamel <i>read</i> charnel.
42,	13, intended—tended.
55,	18, Ansa—Anson.
75,	14, Neppel—Keppel.
140,	10. tania—trivial.
141,	18, their—true.
205,	13, Fanquin—Fauquier.
“	14, caused—accompanied.
208,	26, laid—said.
222,	22, ingenuously—ingeniously.
228,	8, ingenuous—ingenious.
230,	33, five—six.
284,	13. David—Isaac.
243,	20, <i>dele</i> —and.
312,	6, <i>after</i> sufficient— <i>add</i> cause
386,	15, their—were.

217 176
22



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